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

Wednesday, April 14, 2010

12:00 p.m. - 5:12 p.m.

(Volume I)

Hilton Tampa Airport Westshore
2225 North Lois Avenue
Conference Room
Tampa, Florida 33607

PANEL: Ephraim King, Director, Office of Science and Technology, U.S. EPA Office of Water

James Keating, Environmental Protection Specialist, Standards and Health Protection Division, U.S. EPA Office of Water

STENOGRAPHICALLY REPORTED BY:
NANCY E. PAULSEN, CRR, RPR, FPR
Certified Realtime Reporter
Registered Professional Reporter
Florida Professional Reporter

MR. KING: Good afternoon. We're going to start up and introduce ourselves, and so please take a seat and make yourself comfortable.

This is a public hearing, and the U.S. Environmental Protection Agency is holding this hearing to get your feedback and your perspectives on a proposal for numeric nutrient standards for inland waters in Florida.

And today represents an opportunity for us to hear directly from Floridians and hear your views of different aspects of this proposal, what you support, what you don't support; where you think we have done a good job, where you think we need to do extra work; if you think there is data we haven't considered that we need to, what is that data; if you think we have done some analysis and it isn't, in your view, appropriate, what would you recommend. All of these things are what we are here today to hear and to listen to.

So let me just introduce myself, I am Ephraim King, Director of the Office of Science and Technology, in the Office of Water at E.P.A. To my right is Jim Keating, who is one of E.P.A.'s senior nutrients experts and -- and staff.

And today what we're going to do is I'm going to go through a little bit of introduction here, talk a little bit about the background of what is referred to as notice and comment rulemaking, which is what we're engaged in together here.

Jim is going to give the group an overview of the proposed rule. Our -- our basic thought is that it's -- it really helps us all if we start from sort of a common baseline of -- of what's in the rule and how it operates. And then I will switch back to sort of the process by which we want to make sure that everybody who wants to talk gets that opportunity.

And so I will just say now if you do want to talk, you need to have a number. It's all the same to me, what number I don't care. But if you don't have a number and you want to talk, just go back out to the registration, they would be delighted to give you one. And what that allows us to do is keep the process moving smoothly.

To my left you will see a lady who is doing sign language translation and -- for anybody in the room who needs that. We are delighted to have her here. We also have the ability to do Spanish translation if anybody in the room that would be helpful for them as well.

So let me just formally open this up and -- and thank you all for being here. Oh, I'm -- I'm reminded, because I made this mistake yesterday, so I'll share it with you. Anybody that has a cellphone, would be deeply appreciative if you could just put it on vibrate or whatever you do to avoid distracting yourself and your neighbors.

I think, as probably many of you know, the January proposal that E.P.A. put out is -- reflects the establishment or development of numeric nutrient standards for inland waters in the state of Florida. It is for springs and for lakes, streams and rivers, and for canals.

We -- in developing this proposal, we worked very closely with scientists and with experts from the Florida Department of Environmental Protection. We also used a tremendous amount of Florida data and Florida science.

And I don't want to suggest to you that there isn't additional room for different points of view, but simply want to assure you that Florida, which is well known for its tremendous data collection effort and its investment in science, E.P.A. has fully utilized that and considered it and is very appreciative of the amount of work and investment that this state has committed to that.

Today we are here to listen to your comments and concerns about that proposal. As I said, for us, the key piece is to hear directly your thoughts on different pieces of the proposal, what works for you, what doesn't, what should we consider further, what do you regard as positive, negative, what can be strengthened, revised, that's really what we're here for. So anything you have to say, from our

point of view, is deeply appreciated and we welcome that.

I think what I'm going to do briefly now is -- is talk to you a little bit about the rulemaking process we're in so you know where we go from here, and then I'm going to turn -- talk a little bit about the process, then turn to Jim, and he'll do the overview and we'll get started.

I also want to introduce I think a couple of important people who are here, and we'll do that right after we finish the overview.

What we're engaged in together is something called informal rulemaking under the Administrative Procedures Act. That is how E.P.A. does most of its regulatory work.

And under the Administrative Procedures Act,

E.P.A. develops a proposal. That proposal is accompanied by a preamble or a justification or rationale that explains what the proposal -- its purpose, what it's based on, and also, it's supported by something called a technical support document, which provides all of the technical information and science that was considered and how that science and technical information was developed.

A really important part of the informal rulemaking process is the notice component. E.P.A. does its very best working directly with its own scientists and experts, working with Florida Department of Environmental Protection science and experts to do a balanced, smart, common sense job of proposing these standards.

However, the most important part of the process is to put the standards out there and to get feedback, feedback from -- directly from Floridians, directly from stakeholders, directly from different experts on different aspects of the proposal, and that's what we're going to do today. We're also -- we did it yesterday in Fort Myers, and we're going to do it tomorrow in -- in Jacksonville.

Following -- well, you'll see up in front of me, we have a court reporter, whose name is Nancy. And I may be using her as an excuse now and then to put a break in the proceedings and let me go to the bathroom, we'll all say it's Nancy needs to relax or something like that.

But it's -- it's -- she is here to record everybody's comments, and for that reason, we'll ask for your name and for your affiliation. We will listen and take notes today. We will also reread all of your comments, every single one, at least once, probably two or three times, before we come to the end of the rulemaking process.

Also want you to know that if you don't have time to cover all of your comments in -- in the five-minute opportunity that we are able to give each person, we want everybody to have that chance, so it's five minutes per person, please remember that we welcome written comments, and you have an opportunity until April 28th to go ahead and submit

any additional written comments, any additional thoughts that you want to.

Following these series of hearings, following the close of the comment period on April 28th, E.P.A. will then go through all the comments and

divide them into different issues. And on each issue, we'll consider all of the new information, all of the perspectives, analyze it, and prepare a response-to-comment document.

So everybody here, you will be able to read that document and you'll see how we responded to a particular issue and why.

The next step after the close of the comment period is we go through a deliberative process, we respond to all the comments, we brief E.P.A. senior managers, and we're on schedule to publish a final rule on October 15th, this fall, of 2010.

So that's basically the process we're engaged in. I'll review with you briefly right now how we are going to do the speaking part, and then I'm going to turn it over to Jim, and then I'm going to repeat that process, because I got confused the first time I did it.

Basically, if you have a number, we are going to call you up by number. So we're going to start first with two representatives of Florida's congressional delegation, and then we're going to start with number 1, ask that person to please step up and talk into the microphone.

There will be a timer on the screen which will

tell you where you are in that five-minute process, so it helps people to keep on track and to sort of understand how much time they have left. Then we'll call -- after that one person comes up, we'll then call the next person.

When I call number 1, I'm also going to call speakers 2 and 3, and ask you to sit in the two chairs behind the microphone. That way when one speaker is done, the next speaker can step up, and we keep the whole process moving. And our goal, frankly, is to create as much opportunity for each of you to speak that wants to.

So that's the process. We'll return to it a little bit afterwards, but we hope this will work for everybody. Our agenda today is that everybody who wants to speak gets the opportunity to speak, and we are looking forward to that.

What I would like to do now is turn it over to Jim Keating and have him give us all an overview of what that January proposal is responding to and has in it, and then we'll start with the introductions.

MR. KEATING: Thank you, Ephraim.

Can everyone hear me in the back of the room? Sometimes I can't tell with this microphone, and my ears are a little clogged, so I'm not sure how

loudly I need to speak.

Thank you all for coming. And what I would like to do is keep my remarks brief but provide you all a little bit of an overview of E.P.A.'s proposal from January of this year, and I would

like to talk about three things.

The first is a little bit of an introduction of nitrogen and phosphorus pollution, the second is a little bit of an introduction on what exactly are water quality standards, the subject of the rule, and then lastly, kind of talk about how those two things kind of come together in -- in our proposal.

So to start off with, and I'll also let you know, in your registration packets that have the -- the kind of the -- the -- the bluish sheet on top, there are handouts that include these slides, if -- if you would like to -- to take a look at those. They'll also be on the screen behind me.

Nitrogen and phosphorus pollution or excess levels of those nutrients that come into our -- our water bodies, and one of the -- the most significant effects of -- of that is that it causes the growth of unwanted and nuisance algae.

Now, algae is a natural part of our natural water systems and an important one, but it's the

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composition of the species, both the amount and the type, that is significant and in some cases can cause real problems.

A couple quick examples that we've seen in the state of Florida of some species that do cause problems, one is the Lyngbya species. Now, this is a species that can smother the natural grasses that are present in -- in our waters, and these grasses are an important habitat, they are also an important food for aquatic animals, such as -- such as manatee. But the Lyngbya algae not only kind of destroys that habitat, it also produces toxins that are potentially harmful to humans and to animals.

Another example of -- of harmful algae in the state of Florida is Microcystis. Now, Microcystis has -- takes on kind of a characteristic greenish color, I'll show some pictures for you all in a moment. It also produces a toxin that in humans can cause liver damage, it can also poison livestock and wildlife.

So we see that excess algae not only kind of discolors the water, it -- it -- it really disrupts the natural ecology, and when it decays and -- and -- and -- in the -- in the natural waters, that process can deplete the water column of necessary

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dissolved oxygen for fish and shellfish survival.

We also have an issue with excess algae in drinking water supply through the formation of disinfection byproducts that can form different chemical substances that are linked to cancer and other severe illnesses.

Another concern with nitrogen in particular in the state of Florida is levels of nitrates in groundwater. And there is a -- lots of connectivity between the groundwater and the surface water in the state of Florida.

And nitrates in elevated levels can produce very harmful effects, for infants in particular, and there are -- there is a maximum contaminant level for nitrates that has been established and Florida has adopted, and we see that level exceeded

in sampling state-wide.
Florida has a -- a wealth of waters, both freshwater and marine, there is over 7,000 lakes, tens of thousands of miles of rivers and streams, there is over 4,000 square miles of estuaries and 700 freshwater springs.
A significant portion of these waters has already been identified as impaired due to nutrients by the State of Florida, and this is just

maybe a portion of the waters, because not all of the waters have been, you know, measured or sampled or assessed.
I'm going to go through a series of pictures that will illustrate some of the more severe effects of excess nitrogen and phosphorus that occurs state-wide by different water body types.
This first picture is Lake Manatee, which is a -- a water supply reservoir near Bradenton, Florida, and this is the Micro- -- a Microcystis bloom that's appearing, at least at this point in time, on the fringe of the lake, and there is a close-up on the right that shows a device called a Secchi disc that measures water clarity.
Another picture of a lake-wide algal bloom is this image from a bit -- a bit ago, in 1995, this is Lake Apopka in central Florida, which has been the subject of a lot of -- a lot of study and a lot of action to address the nutrient issues there.
This is a water body called Merritts Mill Pond. It's located about an hour west of Tallahassee. It's a pond that's -- that's noted for its fishing and its -- its kayaking and boating potential. And you can see how those kinds of activities might be compromised by the -- by the

excess algae that's built up at this -- in this image.
Another lake in the Panhandle of Florida, this is Lake Munson, and you can see a close-up of a Microcystis bloom that's occurring in that lake.
We see that the effects of excess nitrogen and phosphorus not only affect lakes in -- in -- in Florida, but it also affects the flowing waters in the rivers and streams.
This is an image of the Caloosahatchee River, south of here, that now flows out of -- out of Lake Okeechobee, from time to time, and heads -- heads -- heads west out to the Gulf of Mexico. And you can see that the -- the bloom is -- is not only there on the water column, but it -- the residues are on the banks and on the -- on the adjacent rocks.
This is another image from the Caloosahatchee of a -- of an -- of an algal bloom, a different species, not -- not Microcystis, from a few years ag, a couple years ag.
And you can see the difference between the water that's been affected by the algal bloom and the water that is not because of the physical barrier of the Franklin Lock in this case, and it

shows a fairly stark contrast. This is also a

location near a water -- a water intake.
A little bit further north, in the northeast part of the state, this is the St. Johns River, near Jacksonville, Florida. And you can see a Microcystis bloom that is moving down that waterway -- water body. Another picture of it.
We see from this that excess nitrogen and phosphorus and -- and harmful algal blooms really put at risk a lot of things we care about in our natural waters. It puts at risk ecology, it puts at risk human health, it puts at risk recreation, it puts at risk tourism business, as well as putting at risk property values.
And you can see, you know, with some of the close-up houses here on a tributary to the St. Johns, you know, how the -- how the effect of the -- the algal bloom can really hit close to home.
This is an image from another river in Florida, the St. Lucie, that flows out from the central part of the state to the east, to the Atlantic coast, empties out about I guess an hour or so north of West Palm Beach.
The springs that occur throughout the state of

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Florida have -- have also been negatively affected by excess nitrogen and phosphorus. This is an image of the Weeki Wachee Spring, a couple hours north of here, I think. The image on the left is a -- is a photo taken in the 1950s, which showed the natural grasses predominant in that stretch of the -- of the water as well as the -- the clarity.
The image on the right is taken from the past decade, which shows the Lyngbya algae that has overtaken the -- the particular region and smothered out the natural grasses.
We also see excess nitrogen and phosphorus and ill effects of that in the canals that are -- are present largely in -- in south Florida. This is one in south Florida that drains into Biscayne Bay.
Now, in -- in Florida's current water quality standards, they address protection of nutrients in nitrogen and phosphorus, but they do so with a narrative statement, which is a sentence of the desired condition, and it calls for what they -- they -- they say it is no imbalance of flora and fauna.
And that's a -- that's a good statement, and it's -- it's -- it's been useful, but it does lead to a relatively -- a slow process of setting

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targets for individual waters for their restoration and for their cleanup.
And perhaps more importantly, it's a bit of a reactive process. You normally don't know that you have that imbalance of flora and fauna until it has already manifested itself, and then you have to go in and restore it, rather than being able to act proactively to prevent that from occurring in the first place.
And that, to us, is some of the promise of numeric nutrient criteria, that it establishes a target both for restoration that can be implemented

more expediently as well as a means of setting limits for sources of nitrogen and phosphorus so that we can prevent waters that are currently healthy, and there are a large number of them in the state of Florida, from experiencing the kinds of the conditions that, you know, I just showed you.

Nutrients come from a variety of sources in the -- in the watershed. They -- they come from runoff that drains urban landscapes, from agricultural fields, it comes from air emissions from -- from cars and power plants, certainly -- nitrogen I guess is what I'm principally talking about there. It comes from faulty sewage -- I'm sorry, faulty septic tanks as well as discharges from sewage treatment plants and some industries.

We know and we know from a lot of you who have given us lots of feedback on the fact that better treatment and better management practices can remove these nutrients and prevent them from running off into our natural waters.

Now, a note about water quality standards. I guess the most important thing to realize is that there are really two principal components to water quality standards. They include the designated uses. And this is an expression of what we want from our waters. We want aquatic life protection, we want recreation, we want swimming, in some cases, we want drinking water supply.

And water quality standards also include the specific water quality criteria, which are the levels of specific pollutants that need to be maintained or not exceeded to -- to maintain those designated uses.

Now, the State of Florida has already designated uses for all of their waters, and the vast majority of them include designated uses that are in keeping with the goals of the Clean Water Act.

They have different classes of waters. The ones that we are talking about today are Class I and Class III waters. These share goals for healthy, well-balanced populations of fish and wildlife, and as well as recreation and human health protection, and the necessary criteria to protect those uses.

What we're doing with our proposal is putting in place the criteria for nitrogen and phosphorus and related response variables that are necessary to protect those uses that Florida has established.

We've been recommending numeric nutrient criteria as an agency since 1998, and more recently after consulting with the Florida Department of Environmental Protection, who agreed that they were needed for their water quality program, the administrator did put out a specific determination in January of 2009 that these numeric nutrient criteria were necessary for the State to meet the -- the -- the requirements of the Clean Water Act.

The Florida Department of Environmental Protection, I'll call it F.D.E.P. from now on if

you'll permit an acronym, presented their recommended draft nutrient criteria in a series of public workshops last summer, in 2009.

Again following the history of what led us here to this point, we did enter into a legal agreement in August 2009 with several environmental nongovernmental organizations to do essentially two rulemakings.

The first is the one for this year for lakes and flowing waters where we were to propose numeric nutrient criteria in January and go final in October. Next year, in 2011, we'll be addressing estuarine and coastal waters on a similar time frame, proposing in January, going final in October.

Now, to do this and the -- this proposal, we relied on the extensive data that Florida has available to them, and we relied a lot on F.D.E.P.'s scientific analyses, and we did some analyses of our own as well.

In terms of the data, you know, there are thousands of -- of sampling locations throughout the state, tens of thousands of samples that have been taken, and it all adds up to hundreds of thousands of -- of data points specific to nutrients that were available to us.

Walking through a little bit of the specifics of the proposal, for lakes, we classify lakes into three different categories based on their natural color and their natural alkalinity expectations.

And we established criteria for chlorophyll a, which is a light pigment that occurs in plant cells and algae cells, and it's a good measure of primary productivity or algal growth, and total phosphorus and total nitrogen levels. So we had field data and specific correlations between these variables for each category of lake.

This table summarizes the criteria values that we proposed. You can see that there are different expectations for chlorophyll a, depending on what type of lake we have, and that's owed to the kinds of levels of productivity that you would expect to occur, as well as the baseline criteria from those correlations that I spoke of, and a range of values that again comes out from those correlations where we can adjust the total phosphorus -- or rather the State can adjust the total phosphorus and the total nitrogen criteria if there is sufficient data to indicate that the particular lake is meeting its chlorophyll a criteria.

For rivers and streams, we took a somewhat different approach, we classified those into different groups based on geographically distinct areas of the state which differed in terms of their natural features and underlying geology.

Here we utilized a tool developed by F.D.E.P. called the stream condition index, which is looking at the biology that's present in the stream and indicating whether it is in a healthy condition or not.

And we took the data from stream sites that were indicating that they were in a healthy condition, we looked at those distributions of data, and identified a representative concentration that would be protective of the designated use.

This slide up here summarizes the -- the results of that analyses. You can see the different regions of the state. The Panhandle is distinct from the larger peninsula. South Florida, where it's predominantly canals, are set aside.

And there are a couple other regions of the state, the Bone Valley, right where we are, and the North Central that have high phosphorus levels that naturally occur in the soils and, therefore, were treated as a distinct geographic region.

One of the features we know of rivers and streams is that they flow and that they carry the

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loads of nutrients from the location where you find them to downstream lakes and to downstream estuaries.

And part of the regulations that we have, it required that when you are establishing water quality standards, you assure the maintenance and protection of downstream water quality standards. So we put out a part of the proposal to address this need in terms of downstream lakes and downstream estuaries.

For downstream lakes, we presented a simple equation that relates stream concentrations to lake concentrations and allows the ability to put in some specific information about a lake and be able to determine the concentration in the waters that flow into that lake that will be protective of those uses in the lake.

And those concentrations can then be compared to the -- the stream concentrations that I showed earlier and perhaps lowered or adjusted if necessary.

To protect downstream estuaries, we relied on a -- a tool called the SPARROW model, which was produced by the United States Geological Survey, and that allowed us to do a couple things. One,

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estimate the protective loads that are needed for the estuaries, as well as projecting that load up into the watershed and identify stream concentrations that will protect the downstream estuary.

The SPARROW model does use local information and monitoring data from the state of Florida. It's calibrated to that. And it is able to attribute portions of the load that comes down to various source categories. And again, it allows us to identify what we -- what we call downstream protection values.

A feature of them is that they do tend to be more stringent than the corresponding protections for the streams themselves.

And one of the things that we articulated in our original proposal in January is that these could be informed by the estuarine and coastal criteria that are under development and will be

proposed next year, and that we intended to go final with the downstream protection values as part of that second rulemaking. We recently reaffirmed that position in a letter that the agency sent to Secretary Sole of -- of F.D.E.P.

Now, in terms of springs, we had a wealth of data from laboratory and field studies that F.D.E.P. had compiled. We used that information and came up with a similar criteria recommendation as F.D.E.P. was proposing last summer. It addresses the inorganic component of nitrogen in terms of nitrate and nitrite.

Canals. Ah. We addressed the South Florida canals differently and distinctly than the rivers and streams in the rest of the state. Here we took an analogous approach for rivers and streams, although we didn't have that stream condition index available, we did have information to help us determine whether or not the designated use were being met in those canals.

And in these canal systems, although they are manmade structures largely for flood control and irrigation, they do carry the same designated uses as other rivers and streams in the state for aquatic life protection and for recreation.

So it was necessary for us to come up with criteria that would protect those uses applicable to the canals.

Identifying those canals that were not impaired, where we can reasonably infer that the designated uses are being met, we looked at the distribution of total nitrogen, total phosphorus, and chlorophyll a from those canal locations, identified a representative concentration to be protective, and that's summarized here on this table.

A couple other provisions that I briefly want to tell you about. We think that it's important to have an allowance for site-specific alternative criteria. These are in instances where available studies and information tell you more about the specific needs of a particular water body and you are able to express specific criteria for a -- for a particular location.

There is a process in the -- in the federal proposal to adjust the -- the criteria that E.P.A. promulgates through hopefully what would be a streamlined process.

But we also have a provision for what we call restoration standards. This recognizes the reality that in many cases, it may take several years to achieve the criterion that's protective that we proposed, and it will require lots of cooperation between non-point sources and point sources, and it allows the State, working with the communities, to identify kind of interim designated uses and criteria that in step-wise fashion can achieve the ultimate designated use, looking to put in place feasible controls in a reasonable manner.

We did also do an economic analysis of -- of

implementing this rule, where we looked at the costs that are associated with improved wastewater treatment, costs associated with imposition of best management practices, and costs associated with replacing faulty septic systems.

That came out to an annual cost range of approximately 107 to 140 million dollars, which would be a total cost over 20 years of 1.2 to 1.5 billion dollars.

So there is a -- a -- a specific procedure for submitting written comments, and we encourage everyone to do so. The date for that is April 28th, so there is still a couple weeks, it's actually two weeks, I guess, from today, to get those comments in.

And I think at this point, we're going to go start the -- the comments. There is a couple of pages in your hand-out that has some points for your quick review, and I'll just -- I'll just leave them for your own reading.

Thank you very much, and we look forward to

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hearing from you.

MR. KING: Jim, thank you so much.

I would like at this time to welcome two representatives of the Florida Congressional Delegation for some initial remarks. Shara Anderson from Senator Bill Nelson's office.

MS. ANDERSON: Good afternoon, everyone. I just on behalf of U.S. Senator Bill Nelson wanted to thank that of Mr. King, Mr. Keating, along with that of the E.P.A. administrator Lisa Jackson, for affording the opportunity for the constituents here in Florida to come down to talk about the water quality standards and the numeric nutrients criteria.

So we appreciate the opportunity. I look forward to hearing the public comments and taking copious notes to send up to the Senator in due time.

Thank you again.

MR. KING: Thanks very much.

I also would like to welcome Katherine Larkin, who is -- represents Representative Janet Long. Is --

MS. LARKIN: No comments. I'm just here.

MR. KING: No comment. So she's with us and

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will be taking notes as well, and is located over there if you wish to check in with her at some point.

With that, let's go ahead and start the process of comments. I would like to invite numbers 1, 2, and 3 to come to the front of the room. Number 1 at the microphone, if you would, please, and 2 and 3 in these chairs.

MR. ROSS: 2 or 3, doesn't matter?

MR. KING: It makes no difference to me. That's fine.

And each person gets five minutes. And you'll see up here you have this, for a guy like me, I view this sort of a whiz bang computer technology thing.

But in any event, you will have no difficulty figuring out how much time you have. So welcome. Your nickel.

MS. COSTELLO: Thank you, good morning -- or good afternoon. Cris Costello, Sierra Club regional representative, coordinator of the Florida Red Tide Campaign.

I would like to start the day off with a message from our state-wide coalition of 107 environmental, fishing and hunting organizations and foundations, homeowner and community associations, consumer networks and businesses that support the E.P.A.'s action to establish numeric nutrient standards here in Florida. Our "no slime" hats say it all.

The consequences of excess nutrients have been catastrophic to our tourism-based economy and quality of life. In the last decade, excess nitrogen and phosphorus have led to significant water quality problems, including HABs, dead zones, fish kills and declines in wildlife habitat in both our inland and coastal waters.

Our coalition's goals are, one, to ensure that the proposed standards will be based on the best science currently available and will not be compromised by pressure from polluter organizations or interests or by any government agency representing those polluter interests; and two, to keep the E.P.A. from bending to the pressure it is receiving from the state's polluters.

For the record, I would like to list the coalition members. We are Earth Justice, Florida Wildlife Federation, the Sierra Club, St. Johns River Keepers, Conservancy of Southwest Florida, Environmental Confederation of Southwest Florida, The Everglades Foundation, Audubon of Florida, Clean Water Action, Clean Water Network of Florida, Environment Florida, Surfrider Foundation, The Arthur R. Marshall Foundation, The Snook Foundation, Gulf Restoration Network, United Water Fowlers, Manasota 88, Pure Water Coalition, Wolfe Mouth Charters, Friends of the Everglades, Three P.R., People For Protecting Peace River, Emerald Coast Keeper, Holsinger Horticultural Services, The Defenders of Wildlife, Sanibel Captiva Conservation Foundation, Around the Bend Nature Tours, National Parks Conservation Association, Indian River Keeper, Caloosahatchee River Citizens Association, Tropical Audubon Society, Marine Engine Surveyor, Incorporated, Save the Manatee Club, Reef Relief, P.O.W., Protect Our Watersheds, Council of Civic Associations, Withlacoochee Area Residents, Conservation Alliance of St. Lucie County, Florida Consumer Action Network, Gus's Crabby Adventures, Wilcox Nursery and Florist, Solutions to Avoid Red Tide Start, Lemon Bay Conservancy, Palm City Civic Association, Gulfcoast Conservancy, Alva, Inc., Friends of the Arthur R. Marshall Loxahatchee National -- National Wildlife Refuge, Outdoor Travel Productions, Incorporated, Rusty Chinness

Contractor, Incorporated, Pine Island Consulting, Incorporated, Yard Green of Tampa Bay, Manatee-Sarasota Fish Association, Marine Resources Council, Our Sante Fe River, Florida Coastal and Ocean Coalition, Coastal Wildlife Club, Sante Fe Lake Dwellers Association, American Health Trust, Concerned Citizens of Gibsonton, Friends of the River, Ocklawaha Valley Audubon Society, Florida League -- League of Conservation Voters, Friends of the Fenholloway River, Environmental Alliance of North Florida, Hope of Taylor County, All Native Garden Center in Fort Myers, Association of Florida Native Nurseries, Coccoloba Chapter of the Florida Native Plant Society, Putnam County Environmental Council, Martin County Conservation Alliance, Ralph Brooks, Attorney, in East Cape Coral, South Florida Audubon Society, South Florida Economic Foundation, Grant's Gardens, Incorporated, League of Women Voters of Lee County, Estero Council of Community Leaders, EcoSMART, Wakulla Watershed Coalition, Sarasota County Council of Neighborhood Associations, Concerned Citizens of Bayshore, Lee County Artificial Reef Association, Coastal Task Force, Real Building, Friends of the St. Sebastian River, Citizens For the Revitalization of Temple

Terrace, Temple Terrace Redevelopment Task Force, Temple Terrace Preservation Society, Friends of the Temple Terrace Parks and Recreation, Gulfcoast Lakes and Wetlands, Landings Fish Club, Cape Coral Friends of Wildlife, Community Stepping Stones Foundation, Partnership For Sustainable Future, Rita's Roadside Country Store, Florida Keys Citizens Coalition, Save Our Aquifer, Endeavor Green Electric Hybrid Yachts, Electric Marina Boat Rentals, Florida League of Conservation Voters Education Fund, Greater Pine Island Civic Association, Save It Now Glades, Isaac Walton League Florida Keys Chapter, Panhandle Citizens Coalition, Audubon Society of the Everglades, Loxahatchee River Coalition, Beautiful Ponds, Audubon of Southwest Florida, and The Sanibel Island Fishing Club. Whew.

We have come together, all of us, 107 of us, to support your efforts, and we look forward to a brighter future for Florida's water resources. Thank you very much.

MR. KING: Thank you very much.

Thank you all for your engagement and interest. What I think we need to be thoughtful about is that each speaker stands up, listen to

them, and then we'll let the next speaker come up with the same level of courtesy and thoughtfulness would be terrific.

So speaker number 2, welcome.

MR. TAYLOR: Good afternoon, gentlemen. My name is John Taylor, I reside at 1141 Cokeel Street in Sarasota and have been a resident of Florida since 1959.

I have worked professionally in Florida for 50 years as a marine biologist and have been involved in basic and applied research, consultation,

outdoor education, and ecotourism.

Additionally, as a volunteer citizen scientist, I have collected and analyzed water samples in the St. Bay -- St. Andrew Bay estuarine system of Bay County, Lemon Bay in Sarasota County, and Carl Creek in Charlotte County.

I feel both blessed and privileged to have worked in many of Florida's unspoiled coastal waters, which are as beautiful, rich, and biologically productive as any in the world, but I have also been saddened by irreparable destruction and widespread deterioration of a very large percentage of Florida's estuaries, tidal tributaries, and inland waters and wetlands.

Consequently, I am delighted to see some forward movement in the development of numeric nutrient water quality criteria that may provide additional legal and social impetus for conservation and restoration of Florida's remaining priceless aquatic resources.

Science -- scientific and economic justification for protecting and nurturing these resources have been known and amply demonstrated for more than 60 years.

Unfortunately, measures to ensure their permanence have been thwarted by contrary economic and political interests that have historically promoted resource exploitation over resource preservation and management.

I am most grateful to the Sierra Club, Earth Justice, and Allied Organizations for forcing E.P.A. and Florida Department of Environmental Protection to develop water quality guidelines now under consideration.

In that regard, I would like to make a few following suggestions. Number one, insofar as possible, a water body's natural state and variability should be taken into account when establishing target numeric water quality criterion.

Number two, in many instances, this would provide justification to change a designated use or classification to one more in keeping with natural conditions of each water body.

I agree with Florida Department of Environmental Protection's proposal to provide biological assessment to supplement numeric nutrient water quality data. This is very important because aquatic community response is unquestionably the best validation of selected numerical nutrient criteria.

Number four, first flush and subsequent nutrient -- numerical nutrient concentrations in runoff from stormwater outfalls should be used to help establish target nutrient levels in lower reaches of tidal estuaries -- tidal tributaries, excuse me.

Five, nutrients in all canals leading to the state's waters should be strictly regulated by this proposal, most especially agricultural canals in southern Florida.

Number six, hopefully, manpower and laboratory facilities used to implement this proposal can also be periodically used to sample and analyze the state's waters and aquatic life for toxic metals, biocide residues, industrial pollutants, pathogens and parasites, petrochemicals, and pharmacological wastes.

The E.P.A. mandate to establish numeric nutrient water quality criteria for Florida is definitely a big step in the right direction, but there is so much more that needs to be done to restore Florida's degraded waters and protect those that still retain a vestige of their former magnificence.

Thank you very much.

MR. KING: Thank you very much.

Speaker number 3, and would speakers 4 and 5 please come up.

MR. ROSS: I'm going to take off my hat, because I was taught it's impolite to talk and be inside with a hat on. And I hope that this whole series that you have of visiting us in Florida is very polite.

My name is Ed Ross, and I live at 4901 North Klondike Street, Tampa, Florida, 33604, and I am from Friends of the River and also Community Stepping Stones.

And what I'm going to do is to give you more of a personal feeling of what your impact is on one life and many lives. And one of the things is is that I grew up -- or I spent two years in -- outside of Cleveland, Ohio.

At that time, the Cuyahoga River caught on fire. I remember living a mile and a half from the shores of Lake Erie, and in junior high school seeing the fish piled up to the level of my knee, and I could smell it a mile and a half away. Lake Erie was declared a dead lake. The same thing for Green Bay, Wisconsin, and for water bodies all over the United States.

When I went to high school in Jacksonville, Florida, I got into surfing. And the St. Johns River flowed out right there where I was surfing. So I got to see, firsthand, what the effects of your regulations are.

And I am very, very much in support of them, and I don't think they go far enough. One of those reasons are was once I got into the university, I was part of the founding of the first Earth Day movement here in Florida and I was one of the organizers for Tampa, Florida.

It was a very optimistic time. It was extremely optimistic. We felt like we could actually do something, and things were done. And what it is is now Lake Erie has trout again. Green Bay, Wisconsin, is cleaned up.

There is a long record of these types of regulations and what they actually do for the welfare of all of us. But on a personal level, surfing kept me out of drugs. I know, you look at

me, long hair, beard, you know, '70s.
I wasn't one of those that got involved in drugs, because what I found in the environment was more important than drugs that kept them me out of those things. Yes, I tried them, I smoked and I inhaled, however, all it did was bring me down from the experiences that I got from the environment from being out there.
I got into -- one of the other things is, is that I'm very involved, I got into paddling, a sea kayaker. I had the first kayak shop south of Tallahassee in the southwest coast of Florida. I have led people from all over the world all over the rivers of the state of Florida and the Everglades.
So I am very personally experienced with most of the rivers in the world -- I mean, in Florida. I have paddled over 5,000 miles in Florida. So I

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see them firsthand. I see what peoples' reactions are. I see how it affects their lives, how it changes their perceptions, and it also helps them to see what those impacts are and the impacts of their behaviors on the environment.
And what I have to say is, is that it's always positive. It's always positive. And that's why I took my hat off. We have to look at all that we do as positive for our future generations.
My personal experiences on the river, as I have mentioned, on the rivers and stuff has kept me in here. I made a commitment in the 1970s to stay in Tampa, Florida, so I could bear witness to what is happening in the state.
I also know that the same thing happened in Tampa Bay. In Tampa Bay, we did pass some things, we did try and clean up the nitriant {sic} pollutions there, and Tampa Bay started having shrimp coming back, started having the seagrass coming back. Now it's gone.
And one of the things that I feel like we don't understand is, yes, when you have a small population, like, for instance, one person per acre, that person can live there and not be putting out a lot of nitrogen and phosphorus in terms of

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poop and all that kind stuff and pee.
However, if you've got ten people, it's more. If you've got a hundred people, it's more. If you've got a thousand people, you've got dysentery. You've got 10,000 people, you've got all kinds of things that will kill off people.
And so I want to let us know that when we're talking about it, the standards that were good back in the '70s are no longer valid today.
The last thing is, is that the water is in my blood. I am saltwater. And all that water, the lakes and stuff, all affect, all the oceans and all the bay and the gulf, with -- 1996 -- I mean, 19 -- 2006 Scientific American did an article on dead zones around the world. And Florida has many, many dead zones out there. So these things affect everything.
And now I'm raising my son. I live on the

river, and I have been involved in the river. And that thing that saved my life, that gave me positive direction, I want my son to be able to experience that. And he will never experience it at the level that I have.

And none of the children I work with in Community Stepping Stones will ever be able to have what I was given by God. And I really would like to get some of that back. And that's why I think it's really important to you, and I appreciate so much you're here.

Thank you very much. And make it stronger.

MR. KING: Thank you.

MR. ROSS: Thank you.

MR. KING: Speaker number 4. And would speaker number 6 come up.

MR. ROSS: It makes me teary, too.

MS. SAUL-SENA: Good afternoon, and welcome to Tampa. Thank you for coming here to hear from us. My name is Linda Saul-Sena, I live at 157 Biscayne, Tampa.

I'm a member of Tampa city council, I'm here today before you as an elected council member in my fifth four-year term. So I am -- four of those terms have been citywide.

The City of Tampa gets the -- our drinking water from the Hillsborough River, and we're impacted not only by the quality of our river and Tampa Bay, but all of the tributaries and streams that lead into it. The entire watershed directly affects our quality of life.

I also serve on the estuary board and I'm a member of the Hillsborough River board. I have been paying a lot of attention to the quality of our waters for a number of years.

I'm here today to thank you for coming and encourage you to support specific nutrient expectations.

I was impressed during the presentation at how you are going to recognize the different qualities of different areas of the state. Some people have criticized the proposal as being one size fits all, a very broad-brush proposal.

What you shared with us today was not that. What you shared with us was very specifically correlated to our conditions. Based on that, based on what I have heard from my constituents, I encourage you to adopt these rules.

Thank you very much for your attention, and thank you for being in our community.

MR. KING: Thank you.

Would speaker number 5 come on up, and speaker number 7, please.

MR. MUENCH: Thank you. Good afternoon. My name is Gus Muench, I live at 3031 Southwest Manatee Avenue in Ruskin, ,I was born in Tampa in 1936 and been a commercial blue crab fisherman on Little Manatee River for 35 years. I'm also Gus's Crabby Adventures. I sit on the Agency on Bay Management, representing the commercial fishing,

and I also sit on the Florida Blue Crab Advisory Board.

Nutrients can be a friend or a foe to an estuary, and that depends on who is talking. Biologists and myself as a fisherman can explain nutrients as part of the food chain in an estuary. The problem with nutrients is the bad stuff, the stuff that is not natural you add, such as pesticides and fertilizers, plus the stormwater systems that prevent nutrients from replenishing the wetlands and -- with natural fertilizers.

The Mississippi and Gulf of Mexico dead zone are classic examples of nutrients being ejected from the uplands. Plus look at the damage we caused Lake Okeechobee with the straightening of the streams.

We allow our wetlands and uplands to be drained for people and agriculture and then we add pesticides and fertilizers to that drainage.

Little Manatee River, where I fish for blue crabs, is polluted not from urbanization but from agriculture. Since the '80s I've been catching

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plastics, row crop plastics in my traps. And if the plastics wash down the river, so does the pesticides and agricultural fertilizers.

The first thing homeowners do when they move next to a river, stream, or lake, or any wetland is destroy the shoreline vegetation, which catches nutrients runoff, and then they complain what happened to the wildlife.

We are wrong in allowing bulkheads. Every waterfront should be vegetated littoral zones. We must do a better job of some of the protection of lakes and rivers not by saying how bad nutrients are but explaining the benefits and methods of keeping nutrients on the uplands.

We cannot expect lakes, streams, rivers to survive when we inject nutrients from our agricultural and urban lands and add pesticides and fertilizers to the drainage.

Today, the Little Manatee River is colored brown from a freeze that added nutrients consisting of tons of dead fish and dead leaves plus winter rains that washed those nutrients down the stream, and I'm happy as a lark as a blue crab fisherman.

Why? Because shrimp and blue crabs are detritus feeders, and those nutrients consisting of

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dead fish and leaves have greatly improved my harvest of blue crabs. Blue crabs today are growing in leaps and bounds from a rich nutrient food supply.

But until we take a giant and I mean giant leap towards retrofitting stormwater systems of both urban and agricultural lands to large, not small, wetlands and not boxed overs, plus change education concerning the important benefits of nutrients on uplands, Florida's water quality of the lakes and rivers will not, and I repeat, will not get any better.

I laugh at the fellow who says he is placing box culverts to catch debris and stormwater,

because it's what's in the liquids, not the solids, that turns the water green.

Explaining the harmful effects of nutrients in water bodies may stimulate people to protest, but it does not educate and stimulate the people to protest for the benefits of nutrients on the uplands and wetlands.

Thank you.

MR. KING: Thank you very much.

Speaker number 6, and would speaker 7 and 8 come up, please.

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MR. REESE: Good afternoon, I'm Tom Reese, I'm an attorney in St. Petersburg and a lifetime resident of St. Petersburg. I'm representing Al and Cindy Davis, who are here on the front row with me. They want you to understand they have come out and pressed their interest in moving forward with this rule, and also Barbara Hoffman, the chairman of the Friends of Brooker Creek Preserve.

Al and Cindy Davis live on Clam Bayou, which is in south St. Petersburg, in Pinellas County. It is a very significant water body due to stormwater. It's been on the impaired waters list since 19 -- or 2003, and you're not even going to be doing a T.M.D.L. for it until 2011. So it's going to be many years probably before it gets restored.

Brooker Creek Preserve is actually an 8,000 acre parcel in northeast Pinellas County, Lake Tarpon are adjacent -- or near Lake Tarpon, and Brooker Creek flows through it, it's a major tributary to Lake Tarpon. And the preserve also abuts the Anclote River.

All three of those are impaired waters. All of these are due to stormwater pollution and nutrients. They are listed as dissolved oxygen impaired. And to actually control the dissolved

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oxygen, it is very necessary to get the nutrients controlled.

So, you know, I am encouraged to see this moving forward, it has been drastically needed for years. You need a numeric nutrient rule. And I think that's well established, I think everybody has admitted that now, finally. It took years.

But my clients and I support the numbers that you are coming up with as well as the schedule. Yeah, ideally, it would be nice to get the numbers quicker, but I think the time schedule that you proposed is very reasonable, and I think it will be a very solid number that comes out.

And I think the downstream protection is critical. And if there is going to be, and there probably already has been discussion about Tampa Bay itself. For 25 years, I've been on the Tampa Bay Agency on Bay Management, which is advisory council to Tampa Bay Regional Planning Council.

And attempting to try to control nutrients there, so far has been addressed primarily towards seagrass. And I would stress to you that seagrass is not the sole impact that you are looking for for nutrient control, you also have to be looking at dissolved oxygen on a daily basis and also a

never-below level.

And that's very important because you -- the organisms in the water body are being protected, not only the seagrass but the organisms in the water body are very important to grazing on the seagrass and getting some of the -- the algae out of there.

As far as economics, I think your numbers are too high. And I state that because litigation is currently going on, I am representing Al and Cindy Davis in a current suit that has been pending for a year against E.P.A. concerning the failure of Florida to actually implement the ag degradation policies.

They are not being used in doing your section 303(D) impaired waters list. They are going to have to be -- there are many, many water bodies in Florida that are going to have to be restored for ag degradation reasons, and that I think will affect your economic analysis, and, actually, for the nutrient rule itself, I think your estimate is a little high, because there are going to be other factors that are going to be causing some of this restoration.

Personally, I would like to comment that

having swam in springs, lakes, waters in Florida, it's getting to the point where I don't want to do it anymore. I've been to many of the springs in Florida in the last 20 years to see how they've been degraded, and they are actually disgusting. There are some that are -- they are just perpetually green. All of them are impaired.

And the springs, it's one of Florida's great assets. And the nutrient loads in these springs is -- is just mind boggling. Even Ichetucknee River has degraded, and there is more growth in the river than there was 20 years ago.

I'll try to keep my comments -- well, I'm almost out of my five minutes, anyhow, but we will be submitting written comments on the docket. Thank you.

MR. KING: Thank you very much.

Would speaker number 7 come up --

MS. BALDWIN: 7.

MR. KING: -- and speaker number 9.

MS. BALDWIN: Hi, my name is Robin Baldwin, and I'm a volunteer with the Sierra Club Suncoast group covering Pinellas County, and I edit their newsletter.

I live in Clearwater on the Tampa Bay side,

and my family have owned a residence there at Kokai since the 1970s.

I strongly support the E.P.A.'s proposed numeric criteria rules. Without these rules, there is a high risk of worsening of harmful algae blooms and red tide near my home and in our local waters. I fear that this will significantly diminish the value of our real estate, diminish our quality of life, and harm tourist-based businesses.

Near my home, we routinely see endangered

wildlife, including manatees and many rare birds. This wildlife is at great risk by algae pollution. We should not allow biased, industry-funded science to determine the outcome of these rules. We must ensure that independent science is used and followed.

There is a big ecotourism industry in South America. By continuing to pollute our waters, polluters are destroying our ecotourism at a shockingly rapid rate.

This pollution represents an unfair tax on our present and future generations. This pollution is not only difficult and hugely costly to clean up, but impossible to clean up when it has reached a point of no return.

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The rules are long overdue. It's time to stop using our waters as a dumping grounds. If these rules had been imposed ten years ago, we wouldn't be having these problems now all over Florida.

The development in the state and throughout this country has gone out of control, and these numeric criteria standards are only a small part of addressing that problem.

Thank you, E.P.A., for holding these hearings.

MR. KING: Thank you very much.

Would speaker number 8 come up and speaker number 10 come up, please.

MR. BUCOLO: Good morning, thank you for being here. I'm Bill Bucolo, I'm with the Sierra Club in Pinellas County, the Suncoast group, I'm the chair of the political committee there.

And I want to say that E.P.A. mandate -- mandates are needed, of course, in the light of the State of Florida's inability and unwillingness to reliably and responsibly address water quality problems.

But I want to say driving up here, I noticed the -- the fellows from the union, carpenter's union and some others that are involved in some of the industry here. And I think that when the

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E.P.A. eventually institutes the changes that must come, I -- I hope that it and working with other government agencies actually addresses the job loss issue.

Obviously, putting together departments of the government that can help put skilled workers to work on putting the changes you put through into effect would have a -- a positive effect on what the E.P.A. does, what the government does on the public, the general public's perception of government effects on -- on our local lives.

So I suggest the E.P.A. find more support among general public when it -- when it does these things, and -- and that's basically what I have to say that differentiates, I think, what we are all -- all talking about here. We support you.

MR. KING: Thank you very much.

Speaker number 9. And would speaker number 11 come up.

MR. McCoy: Good afternoon. My name is Robert McCoy, I'm a business manager for the Florida

Carpenters Regional Council. Behind me here is just some of the 5,000 members that we represent across this state. Many of these guys work in industries here that are going to be directly affected by these regulations.

Now, first off, we would like to say that I as well as my members and I believe everybody in this room believes that we need to have clean water, that Florida's lakes and rivers do need to have something done to them.

We're concerned is that we don't feel that enough consideration has been taken into the economic impact that these regulations are going to have.

I noticed in your presentation, you spent a good 20 minutes talking about the effects on the water, and you took about 15 seconds on the economic impact.

When we hear the federal government say 100 million dollars, we hear 500 million dollars. We want to know how this is going to be paid, who is going to pay for it, how much it's going to cost, and what effect it's going to have on industry.

We -- our livelihoods are at stake here, and we just want to make sure that those concerns are taken in as well as all the rest of these other concerns.

So thank you very much.

MR. KING: Thank you very much.

Speaker number 10, and would speaker number 12 come up.

MS. RICE: Thank you. My name is Darden Rice, and I have lived in the Tampa Bay area 21 years. Even though I happen to have been born in Atlanta, I come from a long line of Florida natives. My mother was a rare ninth-generation Floridian.

So my brother and I have terrific memories of growing up, going fishing with my grandfather on Lake Okeechobee and Fisheating Creek. And today, I just live a couple of blocks away from Tampa Bay, where I enjoy going kayaking and fishing.

I try to keep my nephews connected to their (Phone rings.) Whoops. Sorry. Tell them I'm not here.

I do try to keep my nephews connected to their Florida heritage so they get to see and enjoy what type of beauty that Florida has to offer, and I every year take them tubing down the Ichetucknee springs and canoeing on the Hillsborough River.

And I know it's not possible to completely turn back the clock so that my nephews can see the same type of beautiful old Florida that my grandparents grew up in or even that I have seen in the last 20 years.

But I do think that we certainly have the ability to manage our natural resources and to manage our nutrient levels in a way that we can do much better than what we are doing now.

And in my on own lifetime, I have seen the quality of Florida waters decrease. And it saddens

me that my nephews may not have the chance to see the same type of beautiful Florida environment that -- that I did growing up.

I am not anti business. I have a very healthy appreciation for what a robust and thriving business climate and industry climate can be here in Florida.

But it certainly seems within reason that industry can learn to operate and make a profit in such a way that does not destroy our water quality and does not destroy the type of future that we leave for our children.

The claims that business cannot operate under reasonable nutrient standard changes is simply the failure of imagination and the failure of innovation.

So thank you very much for the time to speak here today. Thank you for holding this public hearing. I urge you to implement and enforce

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science-based nutrient standards.

Thank you.

MR. KING: Thank you.

Speaker number 11. And would speaker number 13 come up, please.

MS. WEEKS: Hi, my name is Terrie Weeks, I'm chair of the Suncoast Sierra Club in Pinellas County, I also sit on the Agency of Bay Manage -- on Bay Management and am co-chair of the community advisory committee for the Tampa Bay Estuary Program.

I remember the red tide of 2005. I remember it real well because it liked to have killed me. I couldn't stop coughing, these horrible racking coughs that I practically bent over double with. I had to sleep sitting up, or at least try to.

I remember the dive companies and the fishing guides that went out of business because nobody wanted to dive in the gulf or go fishing because everything was dead.

I remember the hotels and the restaurants and all the other businesses that depend on tourism, and that's a lot around here, struggling. Nobody wanted to come here because they were literally taking bull dozers and plowing the dead fish off

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the beach.

I mean, if you're worried about jobs, you'd better worry about the water. It's a huge part of our livelihood here.

Most of all, though, I remember the sea turtles, because I was doing marine animal rehabilitation at that time, and every day, more sick and dying sea turtles were brought into our facility.

They basically, it was a neurotoxin in the red tide that was affecting their neural system -- nervous systems, they were basically paralyzed. They couldn't even lift their heads up out of the water to breathe. So we couldn't keep them in tanks. We had to put them on foam pads and keep them covered with wet towels all the time, very labor intensive.

There was no real cure for what they had, they really could just receive some supportive care, fluids, and a few of them pulled through, but most of them died.

And this was the height of sea turtle nesting season, and to my knowledge, over 150 sea turtles, that's just what I know about, died in Pinellas County that year.

That's not to consider the ones we didn't find, and it's also not to take into account the hatchlings who were struggling out of their nests at that time on the beach and poisoned as soon as they hit the water from the red tide.

D.E.P. has had 12 years to set standards, and it hasn't happened yet. Considering that I live in a neighborhood where it took D.E.P. 17 years to get a certain company to clean up the toxic plume of groundwater, I'm not really surprised.

What -- we've got to do something. What is a narrative criteria? I -- I don't really understand that. I don't understand how you can measure water quality, I don't know how you can set goals without some numbers and numerical limit. We've got to have it.

I think it's going to make the T.M.D.L. process a lot more efficient. It's the only way we can streamline the M.P.D.E.S. permit process, which is very cumbersome. And most of all, the people really want this.

There have been about 42 local communities in Florida who have passed fertilizer management ordinances, and they have had huge public support in the face of very well organized and well financed opposition from the agrochemical industry, some of whom I recognize here today.

Every time, the public outpouring of support was just enormous. People want control of their water bodies, they want to clean up the waters in Florida, and they are trying to find some low-cost ways to do that and take control into their own hands.

Every year up in Tallahassee we are having to fight back agrochemical industry who is trying to preempt local control of the fertilizer industry. Every year we have defeated them. We will do so again this year.

Basically, though, this is -- we need numerical limits. This is the way we need to do it now, let's set some limits, let's rely on good science, and let's get this done.

Thank you.

MR. KING: Thank you.

Speaker number 12, please. And would speakers 13 and 14 please come up.

MR. GUEST: Good afternoon. Thank you for the opportunity to appear before you. David Guest representing Earth Justice.

You know, in all water pollution cases you get the same three arguments. One is that it will take forever to do this and it may take 20 or 30 years

to figure how out how to do it. Two is that we have already solved it. And three is the fish like the pollution. And we're seeing all three of those here, and I think we will hear all of those today.

The cost of this -- of this sewage fertilizer and animal manure pollution is enormous. It's a catastrophic cost on this region of the state and on other parts of the state.

The photos that you showed of the Caloosahatchee River show a staggering impact on property values. On the St. Lucie River alone, the toxic algae outbreak in that same year has permanently diminished the value of the property by a half a billion dollars. That's just one river. It's staggering.

It's killing the economy all over the state. It's killing the economy down here between the red tides and the toxic algae outbreaks, and we can't afford it. In the time of high unemployment and a weak economy, it's the worst possible thing we can do.

Fears are raised about the cost of compliance. The experience elsewhere has shown that those costs

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are really pretty reasonable. In the Chesapeake Bay, there was a movement to have all sewage treatment to advanced wastewater treatment. It cost $2.50 a month.

To get in other places to polishing ponds that get you -- or polishing wetlands that get you pretty close to -- to the standards here, about 4 or $5 a month at most per family. That's a pretty small price to pay to get the economy back on its feet.

There are places where that might not work and where there aren't wetlands, there isn't enough room for wetlands in big cities, and there you might have to go to advanced wastewater treatment and reuse without a seriously significant difference in costs.

A lot of issues have been raised about the cost of urban runoff, treating urban runoff. And, you know, that's really a no-brainer, because the obvious answer is to restrict fertilizer use in cities. A lot of counties have done that, and with -- with great success. The documentation shows that it's very successful.

But strangely enough, when the legislature, as it is now, considering prohibiting counties from

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restricting fertilizer ordinances, where are the municipal stormwater utilities on this? Are they for it or against it? And that's a really interesting and important and revealing question.

Are they there as agents for a constituency of fertilizer companies, or are they there for the public to protect them to make it so their waters can be clean at really no cost. Not using fertilizer doesn't cost the public anything at all.

So on the science, we think this thing can be tweaked a little bit in a number of different places, and we are going to submit written comments, and we hope that folks that are really

experts in this can share their input and that you'll seriously consider it. I trust that you will.

And we applaud you for what you are doing and hope that we can come into a safe landing right on time. Thank you.

MR. KING: Thank you.

Speaker number 13. And would speaker number 15 please come up.

MS. PICKEL: Hi, my name is Lindsey Pickel, I'm with the Collins Law Group on behalf of a client that lives in central Florida on one of the

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many lakes.

This lake actually used to be the drinking water source for many local communities and now it is so polluted that it has just got algae and oil floating on the surface.

I have a couple of images that just show what it looks like right now. And this is a pretty common scene these days on this lake. Nothing like it used to look like.

Unfortunately, most of the polluters on this lake claim to be exempt from E.R.P. permits and other types of permits due to their existence prior to either the Water Management District being in place or any of these permitting agent -- any of the permits being needed.

This gives us the problem of having polluters that are grandfathered in under Florida's laws. This type of pollution we feel cannot exist and -- with these water bodies trying to be improved and have them grandfathered in.

So our questions are more based on would E.P.A. continue this grandfathering process, allow these polluters to continue doing what they are doing without the need for any sort of permits or oversights.

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And this lake has also completed its T.M.D.L. process. It has not started it's BMAP process yet. And we want to know will those timelines continue to be in place even when we see that T.M.D.L.s have been established, the lake has not been cleaned up, and the BMAP process is being delayed indefinitely by the State on grounds of it's not a high-priority water body.

So those are just some of our concerns regarding one of many lakes. We see this situation throughout many of the -- the inland water bodies. This lake is not necessarily unique. It's -- it's happening all over the place. And we would like to see some sort of numeric standards to get these things improved, get these lakes looking better.

And one of our final questions and one of our final concerns deals with the stormwater. This lake is the recipient of quite a few stormwater drains that, again, do not have any sort of permitting because they existed prior to the permitting process.

And we just have concerns as to whether those receiving water bodies of the stormwater are going to receive any sort of protection greater than what

they are now.

And in conclusion, we support the numeric nutrient criteria.

MR. KING: Thank you.

MS. PICKEL: Thank you.

MR. KING: Speaker number 14. And would speaker number 16 please -- speaker number 15 and 16 please come up.

MR. OVINK: Good afternoon, my name is John Ovink, my address is 1705 West Sligh Avenue here in Tampa, Florida, and I'm an attorney. I am also here as one of the founding members for an organization called Friends of the River, which is friends of the Hillsborough River.

I'm wearing three hats today. My first hat is an environmental hat, my second is a legal hat, and my third hat is one that my wife graciously allowed me to wear today, and I look pretty good in it, she said.

My wife was born here in 1949 in Tampa, and she remembers going on excursions, a day-long excursion going to Sulfur Springs, which was a day's long excursion in those days because there were no paved roads north of Kennedy.

And she remembers swimming in the Hillsborough River, and she remembers travel through Florida and swimming in any river that she happened to come across. And as it was too hot in the summer, you just jumped in the river. And she can't do that anymore. And that's -- because she is not a public speaker, she has asked me to say that for her.

She has lived here for over -- over 60 years, and she is sad, because our environment has deteriorated. By now, it should be obvious that I am speaking in favor of rulemaking. And I thank you for coming here today and doing this courageous act in proposing rules that will clean up our water.

Why can't she do this anymore? One of the reasons is that -- is the reason we started Friends of the River. In 2000, the City of Tampa and Southwest Florida Water Management District set an arbitrary, gut-based rule as to you all get 10 cubic feet per second of freshwater down the Hillsborough River and that ought to be enough.

We said no, we want a science-based rule, we don't want a gut rule based on special interests, because special interests are exactly that, they look after their own special interest and not after the public interest. It takes an E.P.A. to look after the public interest. That's what you're here for.

We talked to politicians and it didn't work and nobody wanted to listen, and so we filed an administrative lawsuit, and I got the pleasure of preparing that.

And it took a judge's order to force SWFWMD and the City of Tampa to come sit around a table and do a study. And based on the study, it was determined that there -- Hillsborough River needed

a lot more water than 10 cubic feet per seconds.
And that's why I'm so glad that you are here, because what you are doing is rulemaking based on science and not on a special interest.
Special interest will always start to talk about money. And money, my friends, shows a lack of imagination, and money is a promotion of the status quo, let's keep it the way it is. And unfortunately, our rivers and our lakes haven't kept the way it is, they have changed, they have been polluted.
Money was also a concern in 2000 when the City of Tampa said, "Oh, no, it costs too much, we can't let water go down the Hillsborough River."
And guess what? Now that we have clean, freshwater down the Hillsborough River, jobs are

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created. A river walk is being created. Businesses opened along the river, and more jobs are being created that the people who talked about money could not imagine.
And so I'm asking you on behalf of -- I live on the river as well, that's my third hat, I am an environmentalist, I enjoy boating and I enjoy -- I enjoy my river.
And so I'm asking you to please get these rules passed and give us safe standards so that I know and that my wife knows when we go past a river, we can swim in it again.
Thank you very much.
MR. KING: Thank you.
Speaker number 15. And would speaker number 17 please come up.
MS. TAYLOR: Hi. My name is Elizabeth Taylor, I am the lifelong Floridian, not the movie star, and my address is 1430 East Park Circle.
I grew up right on the Gulf of Mexico in Madeira Beach, and I now live on the Hillsborough River, and am another founder of the Friends of the River.
Believe me, that was not an easy step to take. It takes a lot of courage to sue the government.

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And it changed our lives. But I'm here because I think this is a very feasible, strong plan that simply makes sense.
You've put it together. I looked at it. And I don't think I need to go over the points, I just need to be here, let you know I am for it. I am very happy that the E.P.A. is getting back into the business of enforcement after about eight years or so of a hiatus from that. And I'm sure you all are really happy about it, too.
To me, it is outrageous and irresponsible for our state government to fight this. And I think we -- we all understand it's about special interests. And that's why we do have the United States E.P.A.
I see no point in wasting any more money on legal costs. That's really a shame. We should be putting it where it's needed and where it will make a difference.
And we have had people speak to the question

about business, and others have said, made the point that it is being proven, especially today, when even Wal-Mart says that a healthy environment is good for business, we know it's a fact, because they don't do anything other than for a profit

motive. It's proven that if you just do things correctly, you can make a profit and be good for your community.

So thanks for being here. And I'll let others speak.

MR. KING: Thank you.

Speaker number 16. And would speaker number 18 please come up.

MR. BROWN: Hi, I'm Rich Brown, 1214 Park Circle in Tampa. Lived in Florida 48 years, lived in Miami, Jacksonville, Gainesville, Pensacola, St. Pete, and Tampa. Seen a lot of water. Lived on the water for years, still do. Play on the water and have made part of my income on it.

When I was a kid, you could ride your bicycle in the big clouds of fog behind the D.D.T. machine, and it was grand fun if you were kid. Haven't been able to do that for decades because the science finally proved that it was harmful.

So a fix was required. And like any major human change, there was denial, anger, negotiation, final acceptance and learning, and finally, there was innovation and problem solving in ways that never would have happened without the requirement for change being forced on us.

And even some of the guys that lost their jobs driving the D.D.T. trucks got jobs in the new industries that sprung up to handle pest control.

There are thousands of examples of federal action making things better, whether it's adding a positive, like civil rights or better safety or mileage standards for cars, or taking away something harmful, like D.D.T. and the other P.C.B.'s, handling the whole brown fields issues.

As a Floridian, I'm embarrassed to say this, but this issue is one where we need your help. There have been many good people working on this for a long time, but in spite of all that, we could not, would not, and did not solve it ourselves. We need the leadership from you to get us off our butts.

Unlike the -- one of the previous speakers, I don't have my long hair or beard anymore. I am a child of the '60s. And I never thought I would say this, but sometimes, the situation does call for big brother.

Thank you.

MR. KING: Thank you.

Speaker number 17. And would speaker number 18 and 19 please come up.

MR. UNDERHILL: Hi, my name is Todd Underhill. I live in Sarasota. I was born in Sarasota. I'm an eighth-generation Floridian, and my family has been in -- in Florida since it was a Spanish Colony.

I'm a -- I'm a family rancher, and I have grown citrus in the past. I speak only for myself. I happen to be a member of Sarasota County's Farm Bureau, the Cattlemen's Association, and I am also an elected official serving on Sarasota's Soil and Water Conservation District, which -- of which I serve as the chair currently.

I am an advocate for clean water and for recognizing the impacts of polluters, which I think it's important to recognize that if you live in Florida, you are a polluter.

We currently have over 16 million people in this state. Some projections show that in the next 50 years, that may double. That's a lot of people, and that's a lot of polluters, and a lot of impacts.

I think it -- I think it's commendable the actions to -- to seek clean water. But I want to speak about some of my concerns as a -- as a family farmer.

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It's the process that primarily concerns me. And some of the key questions that I have gotten and the opportunities that I have serving in some of the organizations and talking with many officials, I have had a chance to speak with farmers and ranchers, with U.S.D.A. personnel, with regulators who work for D.E.P. and for water management districts, with people that work for stormwater utilities, and many different walks, and I have had -- heard many questions expressed.

And some of -- of what comes -- comes across to me as -- as a concern is the validity of E.P.A.'s peer review process. Also, whether the diversity and uniqueness of Florida's ecosystems, the presence of phosphorus as you mentioned in the presentation, how well that has been factored into the modeling.

Are the numeric standards as they currently stand actually even attainable? And in what processes could -- could -- could we take to make sure that they are clearly attainable? The soundness of the scientific data used to -- to base the standards upon.

One of my key concerns is that of unintended consequences. We all want to see clean water --

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cleaner water. And I'm concerned how we get there and the process that we -- we use to prepare for the future.

As I said, the population is -- is definitely going to grow. And -- and if we could stop that, then I don't even know if that's a desirable thing. If we could roll back to a century population, then many of the people in this room wouldn't be here, but we wouldn't have the higher standard of living that we have in Florida.

So what are the answers in dealing with all of the people that are going to continue to flood into Florida, and hopefully being able to keep agriculture as a viable part of that community, and the character of agriculture as it stands with many family farmers that continue to work in it.

I can tell you that the difficulty and the concerns that I experience are that every year it becomes a little bit more difficult to be a family farmer because of the regulations and the costs, the ever and continuing costs when there is a consideration that perhaps we could just sell the land and let it be developed, and then you have more polluters living in land that was once green and once had wildlife.

So those burdens are ones that I -- I ask that you -- you take into consideration and address in a way that you go about the process to implement this, because we definitely want to see cleaner water but we would like to be able to continue farming. And I think that -- that most of the people that -- that live next to us would like to see us continue farming as well.

So it's that process that I think is important, that -- that you look at ways of -- of having management practices that are cooperative. I mean, what -- what can we agree on? We can agree on that we all want cleaner water, we want clean air, we want good food and green places with wildlife.

But what we need to do is find ways to work together cooperatively with management practices to find that, find ways that -- that don't burden agriculture in terms of the family farms to the point that we sell out, that it becomes all industrial agriculture or urbanization.

So I -- I thank you very much for the opportunity to speak, and hopefully look forward to cleaner water and continued agriculture in Florida.

MR. KING: Thank you.

Speaker number 18. And would speaker number 20 please come up.

MR. KRUMREICH: Hi. My name is Tom Krumreich, and I have lived in Florida for 11 years, and I am a resident of Tampa. And in the past, I have lived on the banks of the Lower Hillsborough River. And currently, I kayak the waters of the Lower Hillsborough River. I am here representing myself, and I'm also here representing Florida Consumer Action Network, FCAN.

I have been able to observe the effects that effective regulations can have on the quality of -- of wildlife on a waterway. When the new minimal flow rate rules were created and implemented, as John Ovink, referred to earlier, within six months, and this was a time when I lived directly on the river, the effect on the quality of the wildlife, both in the river and on the banks, were dramatically obvious.

So it is my opinion that the proposed E.P.A. water quality standards for the state of Florida could also have a similar dramatic positive effect on the quality of wildlife both in the water and on the banks of our waterways.

The E.P.A. proposed water quality standards

for the state of Florida would require a massive

financial commitment by various governmental agencies in our state at a time when funding for such agencies is at extremely low levels due to the ongoing economic turndown.

The E.P.A.'s own estimates range from 107 to 140 million dollars per year for a total of 1.2 to 1.5 billion dollars. And typically, estimates like this tend to be much lower than the reality.

Phosphorus and nitrogen come from, amongst other source, fertilization of crops. And according to the E.P.A. handout given for this hearing -- well, the fertilization of crops according to the E.P.A. handout given for this hearing.

So what would you think would be the number one crop being constantly grown in the state of Florida? Well, my guess would be the grass on our lawns, because every home in Florida has a lawn which is maintained as a year-round crop.

So by adopting fertilizer control ordinance, which would dramatically reduce the amount of phosphorus and nitrogen being introduced in our waters through runoff from our lawns, the government agencies responsible for paying the

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costs of complying with the new E.P.A. standards would save a significant amount of money. It certainly would be much less expensive to adopt fertilizer control ordinance to prevent the chemicals from being introduced in the waterways in the first place than the cost of cleaning up the waterways after they have already been contaminated.

So as stated in the handout given for this hearing, high amounts of nitrogen and phosphorus and surface water result in harmful algae blooms, i.e. red tide, dead fish, and reduced mating grounds and nursery habitats for fish.

So the fertilizer runoff from our lawns is a contributing factor for algae blooms, i.e. red tide, and the economic costs due to negative effect of red tide on our tourism trade has been well documented.

So the obvious consideration of doing the right thing environmentally is important, but there are also good economic considerations for the creation of more strict fertilizer control ordinances to reduce the amount of phosphorus and nitrogen in our waters here in the state of Florida.

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Florida Consumer Action Network and myself as a member of FCAN and as a member of their staff join Sierra Club and other organizations in strongly adopting the urging of the -- the adoption of stronger fertilizer control ordinance in the state of Florida in order to comply with the new E.P.A. standards.

Thank you for your time.

MR. KING: Thank you.

Speaker number 19. And would speaker number 21 please come up.

MS. MacDONALD: Good afternoon. My name is

Laurie MacDonald, I represent Defenders of Wildlife. Defenders of Wildlife is a North American conservation organization. We have an office in St. Petersburg, headquarters in Washington, D.C. I work as the state director for Defenders, and I'm a wildlife zoologist who lives in St. Petersburg.

The most visible work that we do probably is from our work on larger animals, manatees and sea turtles, panthers and bears, but our mission really is the -- the conservation of biological diversity, the -- the web of life, from aquatic microfauna to right whales, all of which, all different times or

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trophic levels, should be monitored through -- throughout this process and in doing -- in setting standards and in amending those standards when necessary.

You've outlined, E.P.A. has outlined consequences for wildlife, some of which have already occurred and possible further harmful consequences for wildlife.

So I would just like to say that you have the sufficient data, you have done the sufficient analyses, there is sufficient authority, there is overly sufficient time, and we strongly support the action you are taking to establish the nutrient standards.

The -- on a kind of merging my -- my professional life and my personal life merged, they are pretty closely integrated, and it just so happens that after work yesterday, I -- I went down to an area in St. Pete called the Coffeepot Bayou. One of my staff members had said that she had seen manatees there and -- and otters the day before.

So I went down, and, in fact, she joined me and one of the environmental attorneys, who is a partner of mine, joined me, and we were all so pleased to be able to look out, and one would --

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it's a -- it's a pretty area, even though it is all seawalled off. But we did see manatee. There are birds in the area and some other wildlife.

But you realize that wildlife are -- they've been relegated really to the margins of habitat, what habitat that's left. And diminishing the quality of that which is left, seeing them feeding in -- in dirty waters and nesting, breeding in really diminished conditions is not the way that this world should be, and it doesn't have to be that way, because we have the ability, you have the ability, hopefully you will be carrying out those actions, to be sure that we restore ecosystems besides protecting what is left.

The tour operators that you see going through there, you know, is going pretty quickly, they are looking at it, you know, the wildlife and the mangroves and so forth, but it -- you look closely, and it -- and then besides looking at it, the analyses show this is not clean water, and it needs to be restored.

Further, on a personal basis, not only do I visit places like Coffeepot Bayou and enjoy a lot

of the outdoors Florida, I live on Big Bayou in St. Petersburg.

I want that area protected. I feel that the -- the work of the government, the first work of the government is the defense of the people. And this is defending me, my health, my right to -- to pursue a -- a healthy life.

So I expect the government to -- to protect me from harm. The -- and in this case, the pollutants that can affect my life.

With regard to my responsibilities, I want you to know that with regard to any costs that are incurred, I expect to pay my fair share of those costs, and I am very accepting of doing so.

Besides the -- the love of my family and friends, what could be more important to me than my health? It's going to be paid for one way or the other. I mean, if the harm comes to me, I'm going to be paying for trying to restore my health later, if I can, and I would much rather it be preventing any ill health for myself and others and the life around me.

So thank you very much for pursuing numeric nutrient standards. Thank you from me, thank you from Defenders of Wildlife.

MR. KING: Thank you.

Speaker number 20. And would speaker number 22 please come up.

MS. BERTELSTEIN: My name is Gayle Bertelstein, and I'm a member of the Sierra Club's Tampa Bay group. I'm not a scientist specializing in numeric standards, but I can tell you that -- having lived in Florida for 50 years, some of the things that I've seen that have happened under this policy of subjectively judging biological imbalance.

When I first moved here, I went to Flamingo, down at the bottom of the state, right -- sits right on Florida Bay. And you could hardly sleep at night for the noise caused by the mullet jumping in the water and the splashing that was going on. I went back there three years ago, and there were no more mullet.

The same thing actually has happened in Tampa Bay. In the neighborhood where I live, near Tampa Bay, the neighbors who have lived there for a long time tell me they had the same problem with those darn mullet, they were just making so much noise, splashing around. Well, now we are lucky if we see three or four in the course of the summer.

Another thing that has happened in our neighborhood is the stormwater runoff. There are several small lakes there and canals, and they have gotten so full of muck that the shorebirds that used to come there for refuge from the -- from the beach no longer want to come there.

Our neighborhood association decided to take legal action, and it was hard to find somebody to take legal action against, because nobody wanted to claim responsibility for those areas, but we

finally were able to get some action, and now there are stormwater traps set to help prevent some of that coming into the -- to the water.

Another thing that I had seen, a speaker spoke earlier of the dead fish, that happened right here in Tampa, right in Tampa Bay, right in downtown Tampa, we were shoveling fish up by the barrel full. The smell was impossible. And it was like that for two or three weeks, the smell over the city.

Well, you can imagine what that does for tourism, or even does for the quality of life of the people who are living here.

If you look at Florida from an aerial map or a satellite view, you see that really, it is the state of water. And everything that is controlled here is controlled by water.

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And so we really do encourage you to be firm with the standards that you set, and we appreciate your being here and -- and taking the stand that you have. Thank you very much.

MR. KING: Thank you.

Speaker 21. And would speakers number 22 and 23 please come up.

MR. JACKALONE: Are you 21 or 22?

MS. GRIFFITHS: I'm 22, but -- okay. I didn't see you come up here.

MR. JACKALONE: Thanks.

MR. KING: Just to keep our bookkeeping straight, are you -- I don't -- I don't have a -- are you speaker 21?

MR. JACKALONE: Yes, I am.

MR. KING: Okay.

MR. JACKALONE: Okay. Thank you.

Thank you for coming to Tampa, Florida. We appreciate it. Welcome to the sunshine state. Actually, Florida is a state both of sunshine and of water, so we could very easily say to you today welcome to the dirty water state.

MR. KING: Thank you. We also need you to tell us your name and address.

MR. JACKALONE: Well, I -- okay. My name is

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Frank Jackalone, I'm the Florida staff director for the Sierra Club, which represents 30,000 members in the state of Florida.

So you see several Sierra Club members here today, and that's by no accident, because you held a previous series of hearings in Tallahassee, Orlando, and West Palm Beach, and we heard that the polluters, big agriculture, and others flooded those hearings with people to participate.

So we thought we would ask our members who could, some of our members, to take off time from work today and to be here and to tell their stories.

And let me say it's not just the 30,000 members of the Sierra Club here, but it's millions of Florida -- Floridians who want clean water. Clean water is very important, not just for health reasons, but for economic reasons, as well as the recreation that we all live here in Florida for.

Let me say that your standards are reasonable. They're overdue. We applaud you for taking this action. We need numeric standards, and we realize it's not the first step, that additional steps will need to be taken for new T.M.D.L.'s, new BMAPs, and ultimately, eventually, we'll get those nutrients

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down and have cleaner water in Florida, but I would rather say it is going to take a ten-year time frame than say that it will not happen at all and the situation will continue to get worse and worse.

What are the costs of doing it? Well, I think you need to look at first what are the costs of not taking action? And those costs are billions of continued cleanup, which counties and cities need to do, anyway.

There are billions of dollars in fish kills and loss to that industry. Billions of dollars when beaches are closed because of red tide outbreaks. Billions of dollars are lost in property values when your home on the St. Johns River sees a green algae slime. And who would want to buy that house where the river is continually polluted?

Billions in healthcare costs from clean -- from dirty water and from dirty air. Now, you may know that there is a dirty aerosol that affects people with asthma that comes from red tide blooms, for example. And that's a big problem here in the gulf coast.

We get dead sea turtles, dolphins, and manatees, and that impacts on our quality of life.

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That's an important coast to those of us who live on the Gulf of Mexico and Tampa Bay.

We believe that if you put these standards in force, the costs of implementing them will be done in a cost-effective way, that government and business will find the most cost effective way to meet those standards.

And the obvious point is the cheapest way is don't pollute the water in the first place, that's the cheapest way to meet these standards, and that's the way that we need to take people in Florida.

Florida government will never take this action on its own. They came close to taking it because of nudging from E.P.A. You finally got tired of it and said we've waited too long, we're going to have to put these standards into place.

If you pull back on the action you are proposing, Florida will revert back and Florida will never take that action on its own. So please, move forward. The people of Florida won't stand for delay any further. They won't stand for their state legislators to try to get you to stop to do it -- doing this.

And, in fact, the Florida House of

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Representatives Government Policy Council just this morning passed a motion that they're sending to the full House calling upon the members of Congress of Florida to try to stop your action, to try to stop

the E.P. action -- E.P.A. action.
Don't stand for it. Stand up with the people of Florida who love clean water, clean beaches, clean rivers, who want to clean up our springs and our lakes and our rivers, and you will have our support.
Thank you.
MR. KING: Thank you.
Speaker number 21. And would speaker number 23 please come up.
MS. GRIFFITHS: I'm actually number 22.
MR. KING: Are you 22?
MS. GRIFFITHS: Yeah.
MR. KING: Well, I lost somebody in the translation. Okay.
MS. GRIFFITHS: Well, that's okay. My name is Beverly Griffiths, I am chair of Tampa Bay Sierra Club. And we have approximately 1,700 members in Hillsborough County. I'm a native Floridian, I was born in Tallahassee and grew up in Miami, and I've lived in the Tampa Bay area for the past 30 years.

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I currently live on the Alafia River, which is one of the three rivers of Hillsborough. I don't swim in the Alafia, although I know people that do. I won't because I know its history of pollution, and it hasn't improved.
The Alafia was -- had a massive wastewater contamination spill in 1997 from Mulberry Phosphates, which resulted in thousands of fish and marine life dying.
In December -- September of 2004, about 65 million gallons of contaminated wastewater spilled into Archie Creek after a dam broke during Hurricane Frances at Cargill's Riverview plant.
Then in December 2005, a leaky pipeline at Mosaic's Riverview plant spilled 40,000 gallons of hazardous materials, resulting in a lot of small fish dying in Archie Creek.
In 2007, we had a contamination of -- from a pneumonia pipeline which was tampered with, that was a lesser of a problem, but it wasn't -- the pipeline had -- did not have proper protections in place.
I have enjoyed my entire lifetime spending time recreationally on the water, so this is a huge issue for me. I have been going to the beach since

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I was an infant, and have been able to take my son to the beach, and enjoy paddling and scuba diving.
And water quality is a high priority for me in my personal life, but as we all know, water is life, and all of us depend on it, humans and wildlife.
And I think that sometimes too much importance is given to turf. And I think we need to turn the tables and concentrate on water quality at last.
I am very disturbed over the fact that our Florida legislators are working against us on this issue. And so I do request that you persist with this and not fall back from your position.
We all know that the best way to clean up our waters is to do it in the most efficient manner.

And Hillsborough County is currently working on a fertilizer ordinance to reduce nutrients and phosphates.

However, I'm very concerned that the pesticide chemical -- pesticide and chemical industry representatives are turning out and saying that it's going to result in a loss of jobs.

And I think this is highly exaggerated. I agree with other speakers who said that we must strive to find a way to protect jobs and have a clean environment. I think that those two things can coexist.

In closing, I just want to thank you very much for being here and thank you for the opportunity to speak.

MR. KING: Thank you.

Speaker number 23. And would speaker number 25 come up.

MR. MANGEL: Hello. My name is Jeff Mangel, I'm with a company called Gulfcoast Lakes and Wetlands. We're an environmental restoration company that specializes in taking care of lakes, ponds, wetlands, all sorts of water bodies throughout the Tampa Bay area. We work from New Port Richey all the way down to Sarasota taking care of everything from small retention systems in peoples' backyards to large public and private lakes.

The reason why we're here, I'm actually here in support of the numeric standards is because every day we're working in these areas and we see the symptoms of poor water quality and high nutrients in these -- you know, in -- with the algae blooms that we're fighting along with nuisance -- nuisance vegetation, different things.

So I do see the -- you know, I think the very valid -- working in a small business, I do appreciate concerns of other business owners on the other side of the issue, I do, you know, think they are valid points.

But seeing what we see every day, you know, seeing those symptoms and kind of seeing the bigger picture, I am here in support of numeric -- higher, you know, standards, and I think it is the right thing to do and a right step -- step in the right direction, so that's why we're here.

MR. KING: Thank you.

Speaker number 24. And would speaker number 25 and 26 please come up.

MR. NEILL: Good afternoon. My name is George Neill, I'm an environmental scientist with Gulfcoast Lakes and Wetlands.

And I would actually just like to take a chance to -- to thank everyone for being here. Regardless of your allegiance or opinion, our presence alone means that we care about our state, and that's something that no one should have to apologize for.

I would like to also thank you, Mr. King and Mr. Keating, for returning to our state after your

last visit, especially during the colder months. I hope that this visit you get to enjoy some of our warmer weather.

However, in accompanying this warmer weather are also the numerous seasonal algae blooms that we often see. And as stewards of the environment, our company often tries to practically educate our customers on these blooms and the underlying factors that come -- that cause them.

Unfortunately -- unfortunately, the term "seasonal" is a misnomer, under more natural, non-anthropogenically influenced conditions, this algae would be absent.

Over the past month, I have documented blooms of Lyngbya, Microcystis, Ephemeroptera and Spirogyra and inundating about 80 to 90 percent of our jurisdiction.

And personally, I'm kind of tired of dealing with it, even more tired of using the chemicals, E.P.A. approved, of course, that we're forced to implement to combat these -- these blooms.

If -- if we were to solve the underlying problems in the first place, we wouldn't have to use the chemicals. Theoretically, that would put us out of business, but that's a chance I'm willing

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to take.

You know, unfortunately, Florida's -- Florida's lakes and wetlands are the -- often the last link in the food chain, but also often expected to contribute the highest compared to some of our other natural resources.

If these water bodies are the last link in the chain, then the stewards of the lakes, namely -- namely those of us that are involved with restoring them, should probably have the best -- some of the best stories to tell you about -- about what they look like.

I'm unfortunately not that -- not that old, I turned 26 yesterday, but I have lived here my whole life, and I have seen a constant degradation from, you know, when I was just a kid fishing, you know, it's -- and it's a very sad -- sad state that we found ourselves in.

But we can make a difference. And I don't think that it's necessary for anyone to have to point fingers at one industry or individual or organization, you know, because I think at this point, we've all agreed that there is a problem, and it needs a solution.

But pointing fingers at each other isn't going

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to solve that. It's -- it's working together under the guidership -- guidance and leadership of the E.P.A. and -- and organizations like yourselves who are simply trying to -- to define the problem right now.

I think that's something that we all need to -- to take into account, is that right now we need to define the problem, put some numbers to it, use some science, that's, you know, it's -- it's part of what we do, and then we'll -- we'll take steps to solve it over the next few years.

But right now, you know, I think everyone should just focus on -- on giving these gentlemen and the E.P.A. the necessary information to -- to take steps in the right direction.

Thank you very much for your time.

MR. KING: Thank you.

Speaker number 25 is next. What we're going to do is go to speaker 26 as well, please come up, and then we're going to take a break for 15 minutes, and we'll come back at probably a quarter after 2:00.

We want to let folks know, we didn't mention this before, this particular part of the public hearing will go till 4 p.m. today. If there are

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still folks that haven't had a chance to speak, we'll probably stretch it out and try to get as many folks in as we possibly can. Then we'll start up again at 6 p.m. and go into the evening, and we'll be here for as long as folks want to offer comments.

So please go ahead. Welcome.

MS. WEEKS: Thank you. My name is Rheda Weeks, I reside in Odessa, Florida, and I am a Sierra Club, Earth Day coordinator, a true activist and tree hugger, guilty as charged, but I am hear to speak as a long-term, lifetime Florida resident. And my family goes back many generations, like the other gentleman, before the Seminole wars. We make our living on the water, we always have. The water is extremely important.

What I'm here to talk about is personal, and as a business owner, I don't know any businesses in Florida that don't rely and respond directly to tourism.

You're not going to have much tourism with the quality of water that we have now. If it gets any worse -- you know, you talk about jobs, we've got to find clean jobs. I can't understand any argument for polluting the water.

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And with that being said, I'm done here, and I thank you very much for coming, and we definitely are behind your efforts. Thanks for coming.

MR. KING: Thank you very much.

Speaker number 26.

MR. SPITZER: 26. I'm Kurt Spitzer, and I'm taking speaker number 26's place as I need to be somewhere at 6 o'clock, and I'll correct this with your technical folks outside.

I'm with the Florida Stormwater Association, a 300 organizational member nonprofit association in Florida that is involved with stormwater management and finance programs.

We are strong supporters of the T.M.D.L. program, of the BMAP program. We have been intimately involved with the development of these programs from both from a legislative and regulatory side for the past 11 years in Florida. And so we have some familiarity with these programs and have some thoughts about how the next iteration of them should be structured.

But before we get to some advice, let me quote

Jimmy Palmer, a former colleague of yours from Region 4, "Before we get to advice, let's get to reality," to quote Jimmy.

Collectively, local governments in Florida spend about a billion dollars a year on flood control and water quality control programs. So that begs the obvious question as to which level of government in Florida is really doing the heavy lifting in terms of water quality improvements.

And so when there are rules proposed that will significantly increase costs and they are based upon at least debatable science, we have some concerns, and we especially have some concerns when the rules as structured, when layered on top of Florida law, really threaten the foundation of Florida's water quality improvement program, which is the BMAP program.

We do not have unlimited resources. And I'm not just speaking of local governments, but state and federal governments. We can't fund all of the improvements. We need due diligence and good science to be used to ensure that the limited resources that we have are effectively applied. Due diligence and good science so that the limited resources that we have are effectively applied.

Adding a hundred billion dollars or so in costs does not result in a hundred billion dollars' worth of water quality improvements. And if the plan is impossible, there will be no improvements, if the plan is impossible.

We think that we need to focus on the important issues and not get lost in the inconsequential issues. We need criteria that will have attainable targets, where we can focus limited resources and see meaningful improvements in the health of our water bodies. Criteria that result in 70 to 80 percent of Florida's referenced waters being determined to be impaired are not -- are not focused.

We fear that these rules as structured at the present time, and we have a lot of time to change them, but at the present time, it really may have some unintended consequences to what you and we want to attain.

There is a high cost. It's questionable science. It -- I fear that it creates a sense of impossibility in what we can do. If -- if 70 or 80 percent of our most pristine waters in Florida will be impaired, it -- it creates the sense of, well, what are we going to do?

It results, undoubtedly, in my opinion, in numerous, numerous new lawsuits. There is absolutely no doubt in my mind that we will be in administrative court or in circuit court or federal court for many years to come. And I do fear that it will end the coordination of Florida's water quality program with E.P.A. Regional 4.

We will provide written comments before the deadline. We appreciate your coming again. We do appreciate the extra hearings that you've agreed to

hold.
Very thank you very much.
MR. KING: Thank you.
We will now take a break, come back at 2:15. And speaker number 27 will be up, followed by 28 and 29.
(Recess taken from 2:02 p.m. to 2:17 p.m.)
MR. KEATING: Okay, folks, if we could take our seats, we're about ready to start after the break.
So we're ready for speaker number 27. And I could also ask for speakers 28 and 29 to take a seat behind the podium.
MR. MEYER: My name is Charles Meyer, I'm from central Florida. I live at 1263 Golden Pond Drive. To my generation, it's Golden Pond Drive, or Golden Pond; to the younger generation, it's Blue Lagoon. But that's the reason I'm here. Golden Pond is not

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as gold as it used to be. Blue Lagoon is not as blue as it used to be.
I was born and raised in central Florida. I have lived there 73 years. The lake that I live on I have lived on for 15 years. The -- I have recreated on the lake for 68 years of my 73 years. And I have watched the lake degradate from a lake that at one time supplied all the water to the local air force base back during the second world war. Believe it or not, I was alive back then. I was a youngster.
But at that time, I was swimming and recreating in that lake when they were drinking water out of that lake at the air force base in the city that I live in.
Basically, my lake is not a large lake. You know, I'm -- I'm -- I'm really overwhelmed at all the things that I didn't know were going on in this world, or in the state of Florida. I mean, I feel like my challenge is nothing compared to some of the challenges that I have heard presented by these different people.
But, you know, everybody has their -- say their little pond or their little lake. And, you know, I am very attached to this lake. I have been

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the watch hog since 2004, when the first contamination and pollution occurred to the lake.
The golf course that basically is on one-third of the lake frontage has been there since 1911, which is 93 years. They decided in 2004 to completely reconstruct the golf course and regrade it, and they tilled it up. And we had three hurricanes in a row. And, of course, all of the lake -- all of the golf course that had been tilled up drained into the lake.
And, of course, the first -- the next summer, we had growth from the bottom of the lake to the top of the water. And that's going on for five years. And I -- you know, I basically have regretted that I did not report this to the Water Management District at the time, but I did not think it was the thing to do. And I have kicked myself in the rear end ever since this happened.

For the last 63 days, I have been fighting the municipality, our municipal government, because they decided to clean out a retention pond that drains and overflows into this lake. And they are not in the 21st century.

They did not put a closed dewatering system to take the water table down 15, 14 feet, which they could do with a sock system, which is a P.V.C. sock with a 7 micron filter on it. Consequently, they have been discharging water that is turbid. Turbidity is as high as 215, which is basically just pure mud. It's like a waffle batter.

In that particular pond, retention pond, there are also all types of toxic chemicals, mercury, ephyline, five kinds of Benzene, Florathine, in quantities and measurements that exceed, you know, all the thresholds of the class three surface water citation, the F.A.G.C. 62-302-530.

My reason being here is, you know, I have been working on this, I have hired an environmental engineer, I have gone to a lot of personal expense to try to protect this lake, but I have got a long road ahead.

And I want to really thank the Sierra Club for having -- sponsoring this program today. And I will do everything I can to support it. I might -- I haven't joined the Sierra Club, but I think I'm going to do it if they have got a form where you can fill out to do it.

And I thank you for your time.

MR. KING: Thank you.

MR. KEATING: Thank you for your comments.

Speaker number 28, please. And I'll invite speaker number 30 to join us in the chairs.

MS. RYAN: Good afternoon, my name is Nicole Ryan, and I would like to thank you for coming here to listen to the community, and I very much appreciate the opportunity to provide to you my perspective.

I am a resident of Naples, Florida, and I am here in support of E.P.A.'s proposed numeric nutrient criteria. In Southwest Florida, our environment is our economy. We rely heavily on tourism and ecotourism for our livelihood, and we have seen the devastating effects of human-induced impacts, such as water pollution, to our economy.

One very relevant example in Collier County is Lake Trafford a 1500-acre, freshwater lake that has for years been plagued by excessive inputs of nutrients. Lake Trafford, located in the Immokalee area, functions as the headwater of the Corkscrew Swamp, the Imperial and Cocohatchee Rivers, and the Camp Key Strand, and it's utilized by numerous listed species and protected migratory birds, which makes it significant from an environmental perspective.

In addition as an economic engine for ecotourism, especially sports fishing, its role in the Immokalee community is also noteworthy. The lake has no distinct outlets at normal water levels

and only a few point source inlets, making it susceptible to ecological problems associated with the accumulation of nutrients.

It is considered hypereutrophic, susceptible to algae blooms and reduced oxygen levels.

The lake receives excess nutrients from a variety of sources, including urban runoff and the water treatment plant. The result, excess growth of exotic vegetation controlled by the application of chemical herbicides, which adds even more nutrients to the system.

By 1996, 8 million cubic yards of decomposing organic debris, up to 8 feet thick in some places, covered the bottom of the lake. Algae blooms and fish kills were common.

Then in April of 1996, dissolved oxygen levels in the lake plummeted, causing a massive fish kill. An estimated 50,000 large fish died in one day, just went belly up, including large mouth Bass, which was the major draw for sports fishermen.

This was tremendously devastating both environmentally and economically. But this massive

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fish kill was the necessary wake-up call to restore the lake and change the practices that allowed this disaster to occur.

As a member for the past 13 years of the Lake Trafford Restoration Task Force, I can attest to the tremendous amount of community, agency, and local government support for cleaning up the lake. And after spending nearly 16 million dollars, the job of removing 3.5 million cubic yards of muck is nearing completion.

However, without the proper standards and regulations in place, the input of harmful nutrients will continue, the lake will never fully recover, and we'll be faced with another costly cleanup. Prevention is always the better alternative, both from an environmental and an economic perspective.

Lake Trafford is just one example of a water body that will benefit from numeric nutrient criteria that, quite frankly, may not survive without it.

I believe that the proposed numeric nutrient criteria are based on the best available science and are appropriate for Florida's freshwaters, and I am here today to express my strong support for

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E.P.A. moving forward with the proposed numeric nutrient criteria.

Thank you.

MR. KING: Thank you very much.

Could we have speaker 29 and have speaker 31 join us at the chairs.

MS. HECKER: Good afternoon, Jennifer Hecker on behalf of the Conservancy of Southwest Florida and our more than 6,000 members.

We are here today to express our strong support for E.P.A.'s proposed numeric nutrient criteria for Florida's freshwater bodies, which we believe are necessary, scientifically sound, attainable, and economically feasible.

Additionally, as a board member of the Everglades Coalition, which is comprised of more than 52 of the leading environmental and civic organizations in Florida, I am here to convey that the coalition unanimously voted to strongly support these numeric nutrient criteria as well.

These numeric nutrient criteria are absolutely necessary to protect our vital water resources in Florida, because all ten estuaries in Southwest Florida are presenting not meeting their state water quality standards, with 43 to 100 percent of

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their total watershed area currently classified as impaired.

Nutrients have become one of the primary pollutants leading to water quality degradation, largely due to improper regulation with a narrative nutrient standard.

E.P.A.'s proposed criteria are based on a scientifically sound rationale using tens of thousands of Florida water quality standards. The proposed baseline lake criteria uses increased algal abundance measured by chlorophyll a levels, which is an obvious and proven biological indicator of excessive nutrients being present.

The proposed streams criteria were created based on scientifically sound rationale, using the total nitrogen and total phosphorus measurements as well as stream condition indices from healthy streams and rivers.

In fact, in reviewing the proposed criteria and the streams and lakes throughout Florida, only about 30 percent of all the state's streams and rivers -- or streams, lakes -- and lakes would actually violate these criteria currently, as opposed to some earlier figures that were mentioned.

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The proposed nitrate and nitrite criterion for springs and clear streams are based on a rational and robust approach of using extensive laboratory and field studies, determining levels where there are responses to algae to nutrient concentrations.

The proposed chlorophyll a, T.N. and T.P. canals criteria utilizes criteria from existing canals currently meeting their designated uses.

And I wanted to make it clear that these are obviously not pristine water bodies, which really don't exist in Florida anymore.

And as such, the canals criteria utilizes the best available science for protecting aquatic life and human health. In fact, the criteria proposed by E.P.A. overall closely parallels that proposed by D.E.P. itself in 2008 with very little exception.

Furthermore, despite claims that these criteria are one size fits all, they are anything but. All existing Florida water quality standards are divided into just two types of water bodies, fresh and marine.

E.P.A.'s proposed criteria will not only be divided into fresh and marine, but the fresh water bodies are further divided by five eco regions into

six subtypes including three separate lakes criterias, rivers, springs, and canals.

And since water quality standards are used for screening and are, therefore, not meant to be water body specific, the expensive and time-consuming process of developing the water-body-specific total maximum daily load pollutant limits is only pursued if warranted by a water body failing to meet its water quality standards. Thus, these criteria are sufficiently specific to the types of Florida water bodies for their intended purpose.

E.P.A.'s proposed criteria are attainable because they are already being met in the Florida lakes, rivers, streams, canals and springs that were sampled as healthy Florida water bodies for the basis of these proposed criteria.

Also, due to the inherent flexibility of the water quality regulatory system that allows for mixing zones, site-specific alternative criteria, as well as a 20-year restoration standards expanded compliance timeline offered in the E.P.A. proposal, these standards are attainable from an implementation perspective as well.

Additionally, the proposed E.P.A. criteria are economically feasible. It's often said that an

ounce of prevention is worth a pound of cure, and so it is with nutrient pollution as well.

While other -- under a dollar a pound to purchase, removing nutrients such as nitrogen after the fact typically -- typically ranges from 55 to $100 per pound and is borne entirely by the taxpayers.

Despite claims that these standards being economically infeasible keeping pollution out of our water through a low-impact development design, more stormwater retention and treatment, and more agricultural B.M.P. implementation is cost effective, especially when compared to the enormous costs of intercepting and cleaning up some pollution after the fact when it enters our waterways.

And that's not to mention that numerous water bodies already require more stringent nutrient regulation using current standards.

Cost in lost real estate and tourism revenue if nutrient pollution is not adequately regulated needs to be included as well in any cost benefit analysis of this proposal.

Our environment and our economy depends on clean water. With water-based recreation and

tourism as well as waterfront property values generating billions of dollars of revenue for Florida each year, we simply cannot afford to let this pollution continue unchecked.

And, therefore, we urge E.P.A. to finalize and adopt the proposed criteria for Florida's freshwaters and then proceed with setting appropriate criteria for Florida's estuarine water bodies as well.

And we would like to thank you for coming to

Florida and gathering the public's input on this. Thank you.

MR. KING: Thank you very much.

Speaker number 30. And could speaker number 32 join us in the chairs behind the podium.

MS. WORLEY: Good afternoon, my name is Kathy Worley, and I live at 4304 Montalvo Court in Naples, Florida. And I've been a biologist for 20 years.

As a scientist who deals with water quality on a regular basis, I have seen the impact of pollution, whether it be from point or non-point sources, and the effect it has on our environment and the species that live in and use our waterways.

You have no idea how many times I've been

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asked, particularly by the public, "What's the state standard for this?" Or "Does this mean, this number that I'm giving you as a report, is this good or bad?"

And setting water quality standards based on sound science will give Floridians a much clearer picture of the state of our waterways rather than having to base answers on whether or not the nutrient concentration is causing an imbalance in the system, which is very subjective.

Thereby, I'm here today in support of the E.P.A.'s proposed numeric nutrient -- nutrient criteria and the science behind this proposed rule.

One of the major environmental issues that is brought up time and time again is related to declining water quality, particularly in South Florida.

It's time for Florida to step up and protect a resource that is not only important to the environment, but to the economy and to our quality of life. Setting nutrient standards based on sound science is a good first step towards protecting Florida's future.

I've been around the state a long time, and I have seen the ramifications of what can happen if

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we sit back and do nothing. And unfortunately, we're feeling the impact of neglecting our waterways.

I would like to remind you all of an example where, because we waited too long to respond to water quality declines that we knew were there, we're all paying the price.

And I'm sure you're all familiar with the Everglades, whose continued viability depends largely on maintaining the natural cycle of water and nutrient levels under which the system was originally formed.

Nutrient levels in the Everglades are naturally low, particularly in regard to phosphorus levels.

Historically, the primary nutrients to the Everglades was primarily rainfall. In recent history, the water entering the Everglades is enriched with large levels of phosphorus that have upset the fragile balance of this ecosystem, which is manifested in poor water quality, algal growth,

decreased oxygen levels, increased sedimentation, and food chain disruptions.

The increased phosphorate load has altered the biotic assemblages within parts of the ecosystem,

especially near the marsh areas near the canal outfalls where eutrophic adaptive cattails have now been replaced -- I mean have replaced the native oligotrophic adaptive seagrass -- sawgrasses.

We are now having to spend billions of dollars to restore the Everglades to lessen nutrient-laden freshwater inflows. The point is, if we had had standards that would tell us early when we are having a problem starting, it would be able to prevent disasters like this.

I think we can all agree we want clean water, we want a healthy environment, and we want a strong economy. Whether we like it or not, a good chunk of Florida's economy is somehow related to tourism and to attracting people to the state.

People don't want to come to a place where water quality is a problem. They don't want to come and see stinky algal blooms or beach closure signs.

If we don't do something now to protect our water, and in a sense our very livelihood, for future generations, the cost is going to be much greater down the road.

Prices always go up. And if we do something now to curtail environmental problems, it will be

much cheaper than going in after a disaster and trying to pick up the pieces.

Over the years, we have seen the results of not doing anything in places like Ever- -- the Everglades, Lake Tafford was mentioned, and various other water bodies I have heard mentioned here today.

We are seeing the signs of water quality decline in some areas, whether it's a visible sign like an algal bloom or a fish kill, and there is a lot of times we don't see it, but science will.

Science will see increasing turbidity levels long term, lower fish catches and increased nutrient levels, which often change slowly over time, and they have less of a visible impact.

These and other indicators are like a system of -- symptoms of a disease. You don't wait until you have a full-grown cancer to treat it. You catch it early and you treat it so that you have a greater probability of survival.

Similarly, with water quality, if we listen to the environment and start alleviating symptoms of water quality decline, we will be much better off than dealing with a full-blown problem, which we may not be able to fix, will take longer to fix,

and will cost us all much more.

The decision before you is very difficult, and I urge you to think long and hard on this and do the right thing. It might not be the easy thing, but it's the right thing to do for the state's future to ensure the viability of this state's

environment and economy in the future.
I urge you to make the hard choice and set standards for the future of our waterways and our economy long term. Thank you for protecting our natural resources.
MR. KEATING: Thank you for your comments.
Could we have speaker number 31, and have speaker number 33 join us in the chairs behind the podium.
MS. LATIF: Hello, and thank you for coming. My name is Cheryl Latif, and I live at 294 Fourth Street South in Naples, Florida.
Fourth Street is four blocks from the Gulf of Mexico, and I have witnessed fish kills on Naples' beaches and I have watched tourists and locals alike flee from those beaches. It is not good for our ailing economy, whether it is in the fishing industry, tourism, restaurants, hotels, or real estate values.

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The proposed nutrient -- numeric nutrient criteria is imperative for maintaining our tourism-based economy and for a sustainable economic recovery.
I support E.P.A.'s numeric nutrient standards. And if action is not taken, conditions will worsen. Compliance will certainly be less expensive than cleanup.
I urge support for E.P.A. in their development of numeric nutrient criteria for the state of Florida, as it is the State's responsibility to comply with the Clean Water Act and protect our water resources now and for generations to come.
Thank you.
MR. KEATING: Thank you.
Speaker number 32. And if we could have speaker number 34 join us at the chairs. Thank you.
MS. MILLER: Hello. My name is Jonee Miller. I am a native Floridian, born in Tampa. Perhaps I have only been here for 30 years, but I have seen a change in water quality in even my lifetime.
I am a wildlife rehabilitator at the Conservancy of Southwest Florida in Naples, and I have seen firsthand the negative effects that

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polluted water has on our native wildlife, whether it is a sick turtle caused by a pond during an algae outbreak or the thousands of shorebirds that come into our clinic obviously affected by red tide. It is tragic to have our native treasures suffer and die because of our inaction.
These animals are suffering because of the effects that elevated nitrogen and phosphorus have on our waters. I also think about the negative effects to the people living in these same areas if the animals are suffering so.
We must take care of our waterways or our wildlife for our own health and for the tourism-based economy that relies on these natural treasures. It is for these reasons that I find it necessary and I support the need for the numeric nutrient standards proposed by the E.P.A.

Thank you.

MR. KEATING: Thank you.

Speaker number 34, and could speaker number 36 please join us in the chairs.

MS. BENDER: Hi, my name is Jessica Bender. I too am a wildlife rehabilitator in Southwest Florida. As my coworker pointed out, often we do receive calls from concerned citizens about massive fish die-offs as a result of algal blooms followed by reported pesticide use near golf courses and other communities.

We also receive many debilitated birds for unknown reasons as well as many with symptoms of red tide. We need to look at these indicator species higher up in the food chain as a sign that things do need to change.

While algal blooms are sometimes the result of natural causes, many callers also note that they notice pesticides being sprayed in the area prior to their noted fish kills.

Many of these people calling us may not be aware of the issue at hand or realize the implications on human health as a result of algal blooms from excessive nutrients in the water.

So I feel I'm not only here, you know, speaking on behalf of myself, but also for these people that call us and ask why are they seeing these fish kills. I don't think that they realize also what may be going on in their area.

I am here to say that I strongly support the E.P.A. proposed numeric nutrient standards for Florida's fresh waters. Rather than attempting to reverse damage already done, preventative measures should and do need to be in place to prevent harm to our waters.

We have to think about the future and the result of our current actions for our own future generations as well as for the preservation of our native flora and fauna.

Thank you.

MR. KEATING: Thank you.

Speaker number 35. And I would invite speaker number 37 to come on up.

MS. COLARUSSO: Good afternoon, Cecile Colarusso, Naples. As a Florida resident, I am here to express my strong support for E.P.A.'s proposed numeric nutrient standards for Florida's fresh waters.

All organisms need water. Polluted water contains chemicals and organisms that can cause disease or bring death to many living things. A carcinogen is a substance that can produce cancer.

If people drink water containing hazardous waste, they can develop cancers and other diseases and disorders. These are quotes from a public middle school science text in Florida.

The chapter includes information about point and non-point sources of pollution, the Clean Water Act, and offers the students information about what they can do to help.

As one of approximately 19 million homosapiens living here, I have great concerns about the future of the ecology of Florida. Population growth here is staggering. We homosapiens are just one species, and yet we are so many.

There are millions of others, of species, sharing Mother Earth. Many are fighting to survive. Many species are in real danger of becoming extinct.

These organisms are part of the web of life. Each part of this web is dependent on the other. Humans are at the top of this web. This is what we are taught to believe.

But perhaps we need to abandon the belief that we humans are the most important part of this web. Perhaps it is time to accept the belief that all organisms share the right to live.

Students do wonder about these issues. They question the hypocrisy of what we teach. What can we tell students about the proceedings here today? Should our future generations be optimistic?

Because of what I have heard here today, I believe we can be optimistic. I believe we need to

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listen to what those who have related their observations over the many years of residing here in Florida have had to say here today.

It is the nature of humans to manipulate, to dissect, to build, and to prove, but the people who have spoken here today did not talk about numbers except to say they accept the need for them.

What the people here spoke about is their experience, personal experiences are valid. Maybe we could even go out on a limb and include the teachings of ancient indigenous peoples.

Thank you.

MR. KEATING: Thank you.

Speaker 36.

MS. CROOKS: 5. 35. What about 35?

MR. KEATING: I think I'm on 36.

MS. CROOKS: I'm 35. Should I come up?

MR. THOMAS: She's 35, I'm 36.

MR. KEATING: Oh, then speaker 35.

MS. CROOKS: Thank you. My name is Amber Crooks, and I am from Naples, Florida. I strongly support adoption of these numeric nutrient criteria to protect our water resources. I have spent most of my life in Florida, as our parents moved us down here to take advantage of the warm weather,

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beaches, and boating opportunities.

I have traveled throughout much of the state, from camping on the beach at St. George's Island on the Apalachicola Bay to wading in the waters off U.S. 1 in the Keys. I would skip my college classes at Stetson University to enjoy swimming with the otters and fish at Blue Springs in central Florida.

My parents told me I learned to swim in our backyard canal. And when I was older, we would take the boat out on the Caloosahatchee and cool off in the river on those hot summer days.

Now these places I love are in trouble. Blue

Springs, where hundreds of endangered manatees take refuge each winter, apparently has shown nitrate pollution elevated to six times its natural level, which puts it on the list of the most impaired springs in the state.

There is nothing like swimming in a crystal clear spring with schools of gar swimming past you, snorkeling over the spring head.

If we lose access to our springs due to pollution, it would be a great loss. So I encourage the E.P.A. to adopt numeric criteria to protect our springs.

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But our rivers are also in grave trouble. I have kayaked on the Orange River, a tributary of the Caloosahatchee River, spotting manatees and bald eagles. I have boated through Pine Island Sound at the mouth of the river.

Everyone who has been joining the Caloosahatchee River over the years has told me how disgusted they are with how the river has degraded. They speak to the loss of clarity, excessive algae grown, and the fear of human health effects from swimming in it.

The river is impaired from nutrients, amongst other harmful things. Not only is the river used in some parts for drinking water, but is also relied upon by the whole community as a source of recreation and utilized by wildlife, including imperiled species.

This brings me to the canal criteria. Numeric criteria for canals are absolutely essential. Unlike many who claim that canals are devoid of aquatic life, my experience has been to the contrary.

My family home was on a canal, and every day my dad went out fishing in those canals. Because we had both freshwater and saltwater canals in the

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area, he speaks of catching and consuming redfish, snook, bass, perch, and crab.

My nephew learned to fish on the canals.

The quality of water in canals are not only important for protecting our downstream beaches and estuaries, but for protecting our quality of life, our ability to recreate in the canals, and for the sake of the fish and wildlife that utilize canals. We have seen bald eagle, osprey, manatee, water foul birds, including protected herons and egrets.

Nutrient-produced blooms of blue-green algae, red tide, and other types of harmful algae threaten Florida's wildlife heritage as one of the most bio diverse places on the planet.

About half of all federally-listed endangered species are considered to be water dependent, either living in the water, utilizing water for a part of its life cycle, or consuming prey from the water. We need numeric criteria to help these struggling species continue on the course of recovery.

There have been mass mortalities in recent times, a devastating loss of dolphins, sea turtles, and manatees. For manatees, red tide events have

resulted in a considerable number of deaths per
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year over the last decade, with the devastating in 2003 when 101 manatees perished due to red tide.
Once a harmful algal bloom has occurred, it continues to place additional stress on our fish and wildlife. Not only is red tide responsible for mass kills of millions of fish per year, but fish kills result in lower dissolved oxygen, further compounding the mass mortality event.
In 2007, an additional 27 manatees died even after the red tide bloom had moved out of the Caloosahatchee because the toxins laced aquatic vegetation the manatee relied on for its sustenance.
Nutrient pollution can also have a long-term latent effect on fish and wildlife by adversely affecting their growth and reproduction, as well as resulting in a decline of underwater habitats.
I strong support adoption of the proposed numeric nutrient criteria. Florida needs these criteria, as we also need protective criteria for our estuaries, so that one day future Floridians can have the same experiences I did on and around the water.
To me as a citizen, this proposal isn't just numbers, but rather standards that are necessary to
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ensure that we can protect what makes Florida unique, what we moved here to enjoy, and the fish and wildlife that depend on these resources to survive.
Thank you.
MR. KING: Thank you.
MR. KEATING: Thank you.
Speaker number 36. And could we have speakers 37 and 38 join us in the chairs. I'm back on track. I'm good.
MR. THOMAS: I didn't mean to butt in front of the young lady. I apologize if --
MR. KEATING: You did not. I had -- my numbers were wrong.
MR. THOMAS: I thought I was the right --
MR. KEATING: Thank you, sir.
MR. THOMAS: Anyway, my name is John Thomas. My residence is at 6091 South Pleasant Grove Road, Inverness, Florida. That is in Citrus County, up in the Nature Coast, before we get to the Big Bend area.
I am a member of the Hernando/Citrus County Farm Bureau. And I first got affiliated with Farm Bureau when I was 17, which was a few years ago. I am a member of the Citrus County and Florida
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Cattlemen's Association here in Florida. I am also a member of the Ag Alliance Group of Citrus County, which is based in Citrus -- or Inverness and Lecanto, Florida, which is where our government center is.
I represent myself and my immediate family. I was born and raised in Florida. I grew up on a farm in western Citrus, southwest Citrus County, about 12 or 13 miles from the Gulf of Mexico.

Our whole family was put through high school, grammar school, and some college through the efforts of our parents, which was on the family farm.

We've always had cattle. We grew watermelons for 30 years in that county. Put up a lot of hay and all the necessary things to -- it takes to put a piece of meat on the table, or some of you may have had vegetables for lunch. You either had meat or vegetables or both, so we were involved in that. Been involved in it ever since I've been able to walk. So anyway, I am from an agricultural-based background.

I'm from Citrus County. And our county has a lot of water in it. To the east of our county seat is the Tsala Apopka chain of lakes. We also have

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four rivers, which is the Withlacoochee, Crystal River, Homosassa, and Chassahowitzka.

So water, clean water is very, very, very important to me. I mean, to me, it's -- I won't drink water everywhere. I -- I've got to know what water I'm drinking before I'll drink it most the time. So it's very important that -- to us.

I agree that we need to maintain our water the best way we can, but I think when we do that, we need to make sure what we're doing before we pull the trigger.

It's kind of like when you go to the courthouse and start to pay property taxes. The man don't want you to write him a check for something close to what you owe, he wants the full amount, and he wants it to the penny. He won't accept anything else. Because if you give him -- give him anything else, he'll lien your property.

And that's what we're asking -- what I'm asking for. If you're going to do it, get it right on the money before you do it. But I agree that we've got to have clean water to drink and this, that, and the other.

So having said that, we know we've got to have the water, we need -- we know we need things done,

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but we've got to know what we're doing before we go to the bank with it.

I'm a taxpayer. I want to pay my taxes. If you put me as a farmer or a rancher or a vegetable grower or I grow ferns, or whatever I grow, if you put me at a competitive disadvantage with the man across the street, across the state line, or across the border down by McClelland, Texas, if you put me at a disadvantage, I cannot pay my taxes, and if I don't pay my taxes and everybody in this room don't pay your taxes, the economic engine that we have in this nation, if we think we're seeing something right now, imagine the people that was here in '29, I imagine they could tell us a whole lot more about it than most of the people in this room.

I've seen five recessions since '74. Don't put anybody out of business, because we've got an unlevel playing field. Give us -- give an American a level -- a level playing field, and he will bring the bacon home. But if you put us at a

disadvantage, we cannot compete, we cannot put safe food and fiber on Americans' table.

I thank you very much for allowing me to come to speak. And I wish you the best of luck with your endeavors. Thank you.

MR. KING: Thank you, sir.

MR. KEATING: Thank you.

VOICE FROM AUDIENCE: Thank you, Mosaic.

MR. KEATING: Speaker number 37. And could speaker number 39 join us at -- behind the podium, please.

MS. LEVY: Hi. I'm Kelli Hammer Levy with the Pinellas County Department of Environmental Management. And I too want to thank you for coordinating the adoption of downstream protective values with the proposed estuarine water quality criteria process and for extending the comment period to allow stakeholders more time to review your extensive proposal.

Pinellas County is committed to working with E.P.A. and D.E.P. to develop water quality standards that are protective of our environment. I want to take a moment to speak specifically about two water bodies right here in this area that we have specific requests for.

E.P.A.'s guidance document states that the most comprehensive and scientifically-defensible approach to developing numeric nutrient criteria is to relate nutrients to a measured biological response.

Based on the extensive scientific record for Tampa Bay, the standards in place today have achieved full aquatic life protection. The Tampa Bay community realized years ago that specific criteria were needed and led the charge to develop these standards to protect water quality and seagrass health.

So we are requesting that E.P.A. support the Tampa Bay chlorophyll targets and the associated nutrient loads as site-specific criteria for Tampa Bay.

Tampa Bay -- the Tampa Bay community has demonstrated their commitment to water quality and ecological improvements, their willingness to employ adaptive management strategies, and as a cohesive community, we have achieved the desired goals and we will continue those efforts in the future.

In 2007, a reasonable assurance plan for Lake Seminole was approved by D.E.P. and E.P.A. So we are also requesting that the water quality criteria developed for Lake Seminole be adopted as a site-specific alternative criteria.

The expenditures for Lake Seminole are going to exceed 34 million dollars by fiscal year '16.

Those efforts include regional stormwater treatment and lake dredging to improve water quality.

In partnership with the Florida Fish and Wildlife Conservation Commission and the Southwest Florida Water Management District, we completed all

of the habitat restoration projects that were in the Lake Seminole Watershed management plan.

The planning process for Lake Seminole took ten years, included a diagnostic feasibility study and a comprehensive watershed plan. And given the nature of this former estuary turned lake, the site-specific science is the more appropriate approach in this case.

Specifically with regard to lake criteria, I had a couple of comments. We do have more extensive written comments, but a couple of things stood out, and one was E.P.A.'s definition of lake -- lakes that does not include a minimum size for open, contiguous water, which could lead to inappropriately applying lake criteria to wetland systems.

So we are requesting that E.P.A. redefine their definition of lake so that this type of error could not occur.

Additionally, the E.P.A. references a

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three-year rolling average approach to look at excedences. And this does not account for variability that we have here in Florida.

You pick a certain three-year range, you could end up with droughts, you could end up with El Nino events totally within that three-year period. So we need to make sure whatever time frame is selected that it -- that it adequately addresses the variability in our conditions here in -- here in Florida.

A major criticism of the State's approach has been on the reliance of site-specific data collection and analysis to interpret narrative criteria. However, the proposed lake approach may, in fact, push more reliance on this type of site-specific analysis. I gave Lake Seminole as an -- as an example, but in Pinellas County, the four largest lakes are former estuaries, and it's probably not surprising that they don't exactly behave the way a natural lake would.

So funding that is budgeted for improvement programs could either be diverted to development to site-specific alternative criteria, or trying to chase these numbers that are not appropriate for these type of systems.

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So we are requesting that E.P.A. consider how such deviations could be handled without placing the burden on local governments to correct the deficiencies in the criteria.

With regard to the streams proposal, we followed D.E.P.'s extensive efforts in looking at minimally-disturbed systems and the impacts of nutrients on these systems. And as you know, the conclusion was that stream water quality is complex and dependent on many variables.

The bottom line was that there was significant variability in nitrogen and phosphorus concentrations in these minimally-disturbed streams, but there was no response in the stream biology.

So if the connection between nutrients and

biology cannot be established, E.P.A.'s proposal for streams could also shift our focus from water quality improvement programs and projects to spending public funding to assure our leadership and the public that we are striving towards appropriate goals to protect all aspects of our aquatic resources in a fiscally-responsible manner.

Lastly, I would -- I would also like you to consider evaluating processes that are roadblocks to water quality restoration with regard to permitting.

There is a disconnect between the Clean Water Act and the Clean Air Act. Air sources are a significant source of nutrients to our watersheds and our waterways, and that disconnect is not reflected in permitting today. Thanks.

MR. KING: Thank you.

MR. KEATING: Thank you for your comment. Number 38. And if we could have number 40 join us in the chairs.

MS. MONTELIONE: Good afternoon, my name is Lisa Montelione. I reside at 9814 North Pony Avenue, Tampa, Florida. And like everyone else, thank you gentlemen for being here today and listening to us.

I am also the development manager for Rising Force Construction, and I am here not as an official of any construction industry group, but as a member of the development community at large.

My father was an electrician, and as an electrician, he was exposed to asbestos for many years, and ended up dying of lung cancer because of it.

Back in those days, we thought asbestos was the best thing and we couldn't live without it and there wasn't a material that could replace it, but all these years later we found out that some materials we just can't live with.

Nutrients in our water system are, I think, the same case. Over a period of time, we realized that the nutrients that we've been placing on our lawns and our crops in order to make them grow faster and greener have been detrimental to our environment.

The application of these nutrients, these materials, have been in industries that have not changed for many years. In construction practices, we have seen a -- with hurricane standards, we have seen many codes and changes along the way over these years, but in agriculture and landscaping, we haven't really seen much.

So the practices are out there. Best management practices are -- have been developed and there are other ways and other alternatives. So I would just like to say that some industries need to be guided along when we find out that there are better ways of doing things.

And lastly, I just want to add, when I was a long time ago an intern with the economic development department in Hillsborough County,

that's an office that supports and promotes tourism and agriculture.

Both of those industries are very important to the state of Florida, as is construction and real estate. It's a three-legged stool here in Florida. You can't have one industry at the expense of another. All three of them are required in order for us to survive.

So when the practices of one start to implement -- start having a detrimental effect on another, then it's time to look at something needs to change.

Thank you.

MR. KING: Thank you.

MR. KEATING: Thank you.

Speaker number 39. And could speaker number 41 joins us behind the podium, please.

MR. PAYNE: Good afternoon, my name is James Payne, and I work with Farmland Reserve.

All of us would like to see clean water. We all depend upon it regardless of what we do. I think the important thing is to avoid spending resources unnecessarily for restoration efforts without any corresponding environmental benefit.

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In my particular case, there is a high degree of natural diversity among streams and water bodies on the property where I work. Some streams are listed as not meeting the criteria while others are listed as meeting the criteria.

The two basically have the same management regimen, so it's difficult to know whether the variation is man induced or whether it's the result of natural variation in the data. It's my belief that both streams are healthy.

Now, we are concerned that the E.P.A. has not done an adequate job of evaluating the temporal and seasonal distribution of the data used in derivation of the nutrient criteria.

We have seen wide ranges of both temporal and seasonal variability in the water quality data collected on our property over the past decade. We are concerned that the nutrient criteria proposed for compliance purposes do not adequately treat that natural variation that occurs.

It also depends a lot upon when the -- the data is taken. For example, even with data taken during the same month of the year, it -- it can depend, even within a month, let alone within a quarter. And so I think scrutiny needs to be given

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to the data, when it's collected, how it's actually analyzed.

It appears that a site-specific alternative criteria would have to be developed for most of the streams in my area, or at a minimum, a biological assessment on each stream to show that they are healthy.

If the criteria sought to be adopted require such a large number of site-specific alternative criteria, then I believe that the proposed criteria must not be appropriate.

It would be an expensive and time-consuming

undertaking to develop site-specific alternative criteria on such a large percentage of streams and water bodies.

The use of limited data, generalized nonspecific formulas, and broad criteria may be too simplistic to govern the water quality standards for systems with such a high degree of natural diversity and a large variety of site-specific conditions that shape the ambient nutrient water quality and the resulting impacts on a wide range of aquatic ecosystems.

Our concern is that too many lakes, springs, and streams and rivers that support health and

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well-functioning ecosystems are deemed impaired or do not meet the proposed criteria.

One of the other things that I wanted to discuss is that there is differences between organic nitrogen and inorganic nitrogen. Often a stream may have a high total nitrogen because of organic nitrogen that does not really pose a threat to the aquatic flora and fauna. Such differences need to be appropriately considered in setting any standard.

Also, there is a variation in nutrient concentrations based upon the soils over which the rainfalls and the water runs. Your proposed criteria do not address this variation caused by soil differences.

The State has recently adopted best management practices for many of the -- the agricultural industries within the state of Florida. I was involved in the formulation of the cow/calf best management practices.

And I would hope that E.P.A. would give due difference to the best management practices that have been adopted in looking at these numeric criterias. I would also hope that E.P.A. would give sufficient time for these to go to work in

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doing whatever they are going to do with the criteria.

One way to improve water quality is through retention areas. We actually constructed a retention area on our property, and did so to try to improve water quality.

This particular water body, pond that we constructed took about 12 percent of the land that was in that particular watershed. If you think about 12 percent of the land, it's a relatively high percentage of land that would be required to construct these things.

In conclusion, I would just say that there should be biological validation of nutrient requirements prior to regulatory action. We are concerned that any assessments of biological health status of the water body also include the determination of the causes of any impairment, whether it's nutrients versus some other factor, to avoid spending resources unnecessarily for restoration efforts without any corresponding environmental improvement.

Thank you.

MR. KING: Thank you.
MR. KEATING: Thank you for your comments.

Speaker number 40. And could number 42 join us.

MS. CRAW: For the record, my name is Veronica Craw, representing the Southwest Florida Water Management District.

On behalf of the Water Management District, we want to thank E.P.A. for scheduling these additional meetings and providing the District with the opportunity to provide input. We will be formally submitting our comments in writing by the April 28th deadline.

First and foremost, the District fully supports the establishment of water quality nutrient standards to protect our water resources. The District manages water resources through both its regulatory and financial incentive based programs.

These proposed rules will be the basis for the implementation of these programs, and if they are to be reasonable and cost effective, must be scientifically sound for our unique systems.

Florida's environment creates a challenge in setting standards, as it has a diverse array of aquatic ecosystems, as such, the keys to develop criteria that are both ecologically meaningful and

flexible, so that the specific needs of each water body can be met.

The establishment of inappropriate numeric standards or the inability to include rule language to allow for flexibility could result in unintended environmental and economic consequences, such as causing many waters currently deemed healthy by established, science-based criteria to be classified as impaired, resulting in an inefficient diversion of limited management, and more importantly, financial resources in an attempt to improve or protect water quality without an ecological, and, therefore, public benefit.

Now I would like to share some specific technical comments that we have on the proposed rule. E.P.A. should use the Florida Department of Environmental Protection benchmark approach for determining biologically healthy sites rather than the reference condition approach and should use the 90th percentile of sites as a threshold for determining impairment regardless of which approach is used.

The group of water bodies designated by E.P.A. as belonging to the Bone Valley nutrient watershed region should be expanded to include water bodies

that originate and flow out of the region as well as water bodies that receive flow from Bone Valley tributaries. E.P.A. should use all available site-specific information to develop downstream protective values.

The E.P.A. approach of using the single nitrate/nitrite criterion of 0.35 milligrams per liter for all springs and clear streams is

inappropriate. E.P.A. should instead develop system-specific nitrate/nitrite targets.

E.P.A. should recognize existing approved state or federal total maximum daily loads, reasonable assurance plans, and basin management action plans as site-specific alternative criteria.

The Water Management District has a greater interest in resource management than just water quality, we are also concerned with quantity, and as such, the Water Management District supports the use of reclaimed water as a method of lessening dependence on groundwater.

We are concerned about potential unintended impacts that the proposed numeric nutrient criteria will have on reclaimed water use. Limiting the use of reclaimed water could result in a significant impact on the conservation of our water resources,

as all water use needs to be considered.

We are concerned, for example, about limiting the ability of industrial water users that have M.P.D.E.S. permits to utilize reclaimed water in lieu of groundwater, even when the use results in a net improvement to nutrient levels.

We are concerned about limiting the ability of suppliers to transfer reclaimed water between basins as an offset to groundwater use, even when that use results in a net reduction in nutrient levels.

We are concerned about impacting the ability of non-point source dischargers, both agricultural and residential, to use reclaimed water when even when that use results in a net reduction in nutrient levels.

Finally, we request that E.P.A. include in the adopted rule a delayed implementation schedule that provides a minimum 12-month period to promulgate conforming state rules. This will allow the five water management districts and D.E.P. to collaborate on this to ensure interagency consistency with rules.

Once again, thank you very much for your time.

MR. KING: Thank you.

MR. KEATING: Thank you.

Speaker number 41. And could speaker number 43 please join us.

MR. TAIT: Hello. My name is Bill Tait, and I live at 1419 Mulberry Drive, Tampa, Florida. That is on the river, the Hillsborough River, and I have lived there for 19 years.

Prior to that, I was -- lived seven years on my boat, and before that, nine years on Tampa Bay. So I've been able to observe the water very closely over the years of my years in Tampa.

My education, I got -- have a -- got my degree at the University of South Florida as a hydrologist. I went to work for the Southwest Florida Water Management District after school. I worked there for five years, and when I left, I was director of water resource planning.

I had attempted during my time at the Water Management District to do what you are doing now

and get a point source, numeric -- numeric regulations. And I was very unsuccessful at doing that.

I left the District rather disappointed, because when I went, I thought that I could make a difference, and no difference was -- yeah, I did make some differences, I -- but not what I thought I could. And I saw government corruption at that time, and resulting in some things that I was very disappointed in.

Sulfur Springs, unfortunately, was -- when I was here earlier and during that time, I used to swim in the spring all the time. It is now polluted and it is closed to swimming for everyone. That was one of the things that was a big disappointment to me, because of some of the government corruption. I shouldn't go into that any more probably.

But after eight years of nonexistence by the E.P.A., I think it's wonderful you are back, and I just want to say how much I support this. And I'm retired now, I just want to enjoy my water. Thank you.

MR. KEATING: Thank you for your comment.

Number 42, please. And could number 44 also join us, and perhaps 45 as well.

MR. PARSONS: I'm Philip Parsons, speaking again for the Florida Sugar Cane League. And I appreciate this additional opportunity for comments.

Time permitting, I want to make three points relating to your technical support document used to derive criteria for the South Florida canals. I won't address streams or lakes or water bodies throughout the rest of the state.

In that document, your technical support document, you analyze the various regions in South Florida and identify four subregions based on soils, geology, and hydrologic factors that justify separate criteria for each region.

And it may surprise you to know that we agree with that analysis and your assessment. The problem we have is you don't use that. You then ignore the subregional groupings and derive a criteria that will apply to all, four very different regions that are as different between them as the differences between Bone Valley and other parts of Florida.

We think if you take that approach, you will have broad-based support for subregionalization. We think if you derive criteria separately for each region, you'll have increased support for the criteria for those canal systems. It's an opportunity to solve several problems.

The -- I commented earlier on the unique characteristics of the Biscayne Aquifer. Today I'll focus primarily on the Everglades agricultural area, which is the large region of organic soils in which the Florida Sugar Cane League and other farmers are engaged in agricultural activities.

These are nitrogen-rich soils, and they are the primary source of nitrogen to the canals and in water leaving that system. Farmers add insignificant amounts of nitrogen as fertilizer and only on a few crops. Very little nitrogen is added, and it is insignificant.

You, though, have excluded almost all the nitrogen data that's available from the E.A.A. in your derivation of nutrient criteria for South Florida canals.

You have excluded those, we assume, because this is not explained fully in your technical support document, we assume you have excluded those because Department of Environmental Protection concluded that dissolved oxygen is depressed in the E.A.A. and nutrients may be a factor in causing that.

Even if that's so, that's not an adequate basis for excluding the data regarding nitrogen. We are not arguing against numeric nutrient criteria for nitrogen in the E.A.A. or anywhere

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else, but we believe you ought to use the available data that's appropriate for that area.

And we think what we're proposing is consistent with your own conclusions earlier when you proposed the T.M.D.L. for the Everglades in September of 2007. And you concluded in that document that phosphorus is clearly the issue in both the E.A.A. canals and in the Everglades.

You say that because the Everglades marsh is phosphorus limited, nitrogen hasn't been a concern in the Everglades. There is no numeric water quality criterion for total nitrogen in the Everglades.

E.P.A. is unaware of any data indicating that nitrogen causes imbalances in flora or fauna in the Class III canals in the E.A.A. We agree with that conclusion. And if that is a sound conclusion, it's inconsistent to determine that those canals are impaired for nitrogen. I'm not addressing phosphorus, I'm addressing nitrogen.

And in almost every case, it's the link with the O, the potential contribution of nitrogen. And you say further, you conclude further in the same T.M.D.L. document that E.A.A. WBIDs that are impaired, are listed as impaired for dissolved

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oxygen, D.L. may be depressed by excess nutrients, it may also be expressed in canals due to groundwater influence.

And I can assure you that groundwater influence in the E.A.A. is a major, not the exclusive factor, but a major influence on dissolved oxygen.

I won't continue with other statements that you made in that T.M.D.L., we'll do this in writing. But your assessment in 2007 is consistent with what we are proposing.

Thank you.

MR. KING: Thank you.

MR. KEATING: Thank you for your comments.

Speaker number 43.

MR. POTTER: Thank you. My name is Sydney Potter, and I'm a native Floridian. However, when I first awakened to the Florida sunshine, there was no E.P.A., unless it stood for everybody's pollution accepted. There weren't enough of us to make much of a difference.

Even in '55, when we built our home on the banks of the Hillsborough River, it wasn't too bad, and our children learned to swim in that river. Not today. Today, of course, half a century later, it's much different, and that's why I'm here.

We -- we do need the protection of the Environmental Protection Agency. It has become increasingly important, as our population grows, the need for the protection of our environment also grows from those that would -- protection from those that would abuse it.

Unfortunately, there are always among us some who think that P stands for "profit" instead of "protection". Their only concern is the bottom line. They must not prevail.

We -- we need the environment to be protected for us and for our children, and those people, frankly, I don't understand, they have no regard for this wonderful world that has been entrusted to us, and even less regard for the world that they are going to leave to their children.

So that is, I think, a -- in fact, I know it is a -- something of primary importance to Floridians, that this beautiful state that we have remain that way and be amply protected from those who would abuse and maybe even destroy it.

Thank you.

MR. KING: Thank you.

MR. KEATING: Thank you for your comments, sir.

Speaker number 44. And could speaker number 46 join us.

MS. POTTER: Thank you. That was my husband.

When we built our home on the river in 1955, it was so alive. There were so many turtles that we would see them competing for space on a log so they could be in the sunshine. There were otters that played across the river from us. At dusk, we wouldn't just hear the frogs, but we would see the mullet leap, and they would all leap three times, because they were so healthy.

The river has suffered. It suffered from lack of water, we are on the Lower Hillsborough, because of the dam, which is necessary for city water. As you have already heard, citizen activism made it possible for us to get much more water in the Lower Hillsborough, and it has made a difference. But the mullet still don't jump. Very seldom. We feel like we should celebrate when we see one.

We did have an algae outbreak in '04, and I have pictures of the fish kill that resulted from that. We strongly support the work that you are doing. And let us know what we can do to help.

Thank you.

MR. KING: Thank you.
MR. KEATING: Thank you.
Speaker number 45. And could speaker number 46 join us in the chairs.
MR. HAMMOND: Hello. My name is Dan Hammond, I am a project scientist with Entrix, a natural resource management and environmental consulting firm, where I focus on water quality and water resource issues. Prior to being with Entrix, I worked for the Florida Fish and Wildlife Conservation Commission in the harmful algal bloom toxin laboratory.
I appreciate the substantial effort invested by E.P.A., and I understand the difficulty in developing the proposed criteria. I believe that scientifically-defensible numeric nutrient criteria can and should be developed in Florida.
However, after careful reviewed of the proposed rule and technical support documents, I have significant concerns about the methodologies used and the defensibility of the proposed criteria.
First I would like to say that I support E.P.A.'s eco region approach for deriving the stream criteria and believe this approach should be

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extended to developing lake criteria.
E.P.A. produced a report by Griffith, et al., in 1997 establishing 47 lake regions in Florida based on differences and similarities and physical, chemical, and biological lake characteristics.
The E.P.A. report concludes "Water resources can be managed more effectively if they are viewed within a regional framework that reflects differences in their quality, quantity, hydrology, and their sensitivity or resilience to ecological disturbances."
However, this data and approach was not used in developing the currently proposed lake criteria. For example, this E.P.A. report presents data showing the median chlorophyll a level in lakes encompassing most of the Bone Valley are above 30 micrograms per liter, indicating the lake criteria based on the chlorophyll a threshold of 20 micrograms per liter within this eco region may be inappropriate.
E.P.A. already acknowledges the geological differences affecting Florida's water bodies as evidenced by the eco region approach for streams. This same evidence should be used to develop lake criteria.

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Second, E.P.A. and D.E.P. have conceded they have been unable to identify a statistically-significant relationship between S.C.I. and nutrients with which to develop stream criteria.
However, the S.C.I. is still used to develop a statistical description approach during which only limited data has been included. E.P.A.'s data set for stream criteria development consisted of nutrient values collected at the time of the S.C.I. sampling, called the grab sample, the long-term

geometric mean, the site average, and the annual geometric means, the site year average.

Because E.P.A. only included nutrient data collected at the same site as the S.C.I., some sites have very limited or no long-term data. For instance, in the state-wide site average data set used to derive the I.P.V.s, 71 percent of the sites had only one year of data and only 11 percent of the sites had more than two years of data.

This indicates a majority of the data is only the grab sample taken with the S.C.I. This is partially because the data was not evaluated spacially, and some data were not included in the analysis simply because station names differed,

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even though the data was collected at the same location.

The lack of a long-term data used to develop the criteria makes it inappropriate to implement the criteria as a long-term average of annual geometric means or as a one out of three year acceptable excedence of annual geometric means.

While I do not fully support E.P.A.'s use of the S.C.I. in calculating the I.P.V.s, a more appropriate method to improve the criteria would be to recalculate the I.P.V.s using expanded data sets that include long-term data from the stations near the S.C.I. sample or even those within the same WBID.

In my opinion, these concerns as well as others need to be addressed before scientifically-defensible numeric nutrient criteria could be developed for the lakes and streams in Florida.

As it stands, the proposed rules significantly increase the number of Florida water bodies deemed impaired, forcing the implementation and time-consuming -- implementation of time-consuming and costly restoration measures that are not likely to provide an ecological benefit, taking the focus

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off of systems actually in need of scarce water resource management manpower and funding.

Thank you very much.

MR. KING: Thank you.

MR. KEATING: Thank you very much.

Speaker number 46. And could speakers 47 and 48 join us in the chairs behind the podium, please.

MS. HARTNEY: Good afternoon. Mr. Keating, Mr. King, welcome back to Florida. We are glad that our weather is a little better for you than it was previously.

I'm Mary Hartney. I'm president of the Florida Fertilizer and Agrochemical Association, F.F.A.A. is a nonprofit trade association. Our members include fertilizer and chemical manufacturers, dealers, distributors, and industry suppliers based here in Florida or having business interests in Florida.

On the personal side, I am a Florida native, I grew up here in Tampa, I learned to swim and water-ski on Lake Carroll, and I am currently blessed to live in Lakeland, Florida, now with my

husband and our two daughters.
     While I support many of the same objectives that you have heard discussed earlier today with

clean water and a sound and safe environment for everyone to enjoy, my purpose in being here today is to express some of our concerns with the methodology and with your economic impact statement.
     Suggestions for improving the process. We urge E.P.A. to meet the legal requirement to establish criteria necessary to protect designated uses and that are scientifically defensible.
     To do this, your criteria must be based on a biologically-relevant impairment threshold. Criteria must be based on the documented cause-and-effect relationship between the nutrient being controlled and the biological response that affects the designated use.
     I hope we can all agree that nutrients are essential to a healthy ecosystem. In part of our concerns with your methodology, if you don't base it on cause-and-effect relationships, you could be either over or under regulating the nutrients in a particular water body if you don't understand how their nutrients affect that water body.
     Thus, criteria must be -- must not -- oh, additionally, criteria must not result in the control of nutrients below natural background

levels. It makes no sense to have pristine areas being declared impaired.
     Criteria additionally should not be based on novel uses of inappropriate models, such as what we saw earlier when SPARROW was being used for the downstream protective values. We hope that having this brought up in 2011 will give us additional time to discuss the more appropriate use of appropriate models.
     Talking about your economic impact statement, we ask E.P.A. to fully account for the cost of implementing its proposed standards, both to dischargers here in Florida, to those that are in upstream states, to Florida agriculture, to city stormwater systems, and to Florida as a whole.
     You are factoring some of this in, but I am here today because I believe that there are some holes in your agricultural impact.
     Nutrients are essential for food production. So we ask you to please consider the adverse impact impacts -- adverse economic impacts from reduced food production resulting from either reduced fertilizer use or land taken out of production to implement best management practices through the engineering and building or construction of

structures to address water quality.
     We understand that doing this will have an economic impact to both Florida's farmers, businesses in the agricultural supply chain, agricultural workers, and ultimately, bread winners as they try to put food on their family's table.
     We ask you to be transparent in your

discussion of these costs and to compare these costs to your estimate of the benefits.

Having shared these concerns, we respectfully request that E.P.A. take into account the constructive criticism offered here today, revisit your modelling assumptions and your economic impact statement. And we will be submitting written comments before April 28th.

Thank you for being here, and I hope Jacksonville treats you just as nicely.

MR. KEATING: Thank you very much.

MR. KING: Thank you.

MR. KEATING: Speaker number 47. And could speaker number 49 join us behind the podium.

MS. COMPTON: Hi. I am Emily Compton, I have lived in Tampa, Florida, for 19 years.

I have lived on the Hillsborough River all my life. It's in my backyard. And whenever I tell

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people that, they always ask a lot of questions about it, like, "Oh, it must be great, you get to go swimming all the time, you get to play with the manatees."

Well, not really. I have a dog. And I do have a canoe and a kayak. And I do really enjoy going out kayaking. But no one goes in the Hillsborough River, ever. No one has a tire swing. You don't even put your feet in. I mean, you go to it, like it doesn't even cross your mind.

I have taught canoeing in North Carolina and have canoed in many of the rivers in North Carolina. And there is a huge, huge, huge, huge, huge, huge difference in the quality of river. I mean, you can go swimming in those rivers.

And honestly, I don't go canoeing as much as I used to, because it's just not as fun anymore. And, like, I -- I always joke with my friends, but really, it's just not fair that the river is completely black and you can't really see 6 inches deeper.

So, like, especially if you're in a kayak, you're just, like, a few inches away from the water, and you have no idea what's going on underneath you. And it's pretty scary, which is

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fun in a way, but not really.

And, yeah, it's not fair for us, and it's not fair for the river, and people don't get to enjoy it as much as they could. That's about it.

Thank you.

MR. KING: Okay, thank you.

MR. KEATING: Thank you for your comments.

Speaker number 48. And could speaker number 50 join us in the chairs behind the podium.

MS. DIAZ-AMES: Hello, my name is Allegre Diaz-Ames. I am a native of Florida. I am 19 years old. I grew up outdoors. I'm a wild child. I get dirty in the mud. I like to roll around and go canoeing as well and swim.

But unfortunately, you know, I read an article just lately about a seven-year-old at some lake, I guess a little -- I don't really know the scientific name, but a little critter got into his

ear and, you know, he died a day later. And so I don't swim in any lakes or the river. You know, I'll go to the springs or something.

But after having lived in Finland, next to Russia, for a year, I have -- it's amazing how pristine their water is.

And between the Scandinavian countries, which

I have traveled, they don't use phosphorus, because that's -- it's not as abundant as -- well, it's not even abundant anymore because it's becoming a limited resource, they use cow manure, chicken mature, you know, they get their livestock to, like -- you know, they separate all the -- the very nasty stuff and use it for methane gas, fertilizers, all sorts of stuff.

And you know what, I love Florida, but it's just frustrating to come back here and -- and not be able to -- to swim in the river.

And when I do invite my husband here from Finland, last time we went to the beach, there was red tide, his family was here, and red tide, I'm like, "Oh, sorry."

You know, we are a tourist state, but, you know, we rely on our tourists so that we don't have to pay a federal tax. And so without our rivers, without our nice beaches, without this, it's like, oh, it's not going to be a tourist state anymore.

And it's very important that we -- that we -- that's our main focus is to clean these rivers and to -- to set -- set a stone, and especially for -- for my generation, you know, I've never been in the Everglades, and you know what, I probably don't

want to see it, because after all the things I have heard and construction going on, I don't -- I -- I kind of missed out on that.

I'm a little disappointed, because I would have really liked to go check that out, but can't do that anymore. And, yeah. Let's see.

And so I think if we maybe -- I don't know exactly the way in Finland how they clean and all that, but it's possible, because Russia, you know, they dump all their -- their waste in the Baltic, and they have the same problem as we did with algae, and so they were able to, through a system which I'm not too familiar with, they were able to -- to clean that.

And so I think, you know, there is, you know, grandchildren, you know, what about -- what about everybody else, you know? You know, I didn't get to see the Everglades. And I'm pretty disappointed.

And I think everyone, especially for my generation, should not have to be to Wii to experience the outdoors. You know, it's become all indoors. And so what about that, you know? I love kayaking. And I don't want to play Wii Kayak.

So hopefully, you know, because there are many

other generations out there to come, hopefully, you know, you can save the pretty life that you guys have gotten to experience and -- and, yeah, that's

basically what I have to say.
MR. KING: Thank you.
MS. DIAZ-AMES: Thank you.
MR. KEATING: Thank you for your comment.
Speaker number 49. And could speaker number 51 join us at the chairs behind the podium, please.
MS. JONES: My name is Amber Jones, and I'm here with Hillsborough County Public Works Department and Water Resources Services.
Hillsborough County is a member of the Tampa Bay Nitrogen Management Consortium, and we have worked with that group for several years to develop specific science-based total nitrogen loads for Tampa Bay and total nitrogen load allocations for the entire Tampa Bay Watershed.
The Florida Department of Environmental Protection as well as the U.S. Environmental Protection Agency have both worked diligently with the Nitrogen Management Consortium in the process of developing these loads to meet E.P.A.'s federally-recognized total maximum daily load for nitrogen in Tampa Bay.

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We appreciate that E.P.A. has delayed the requirement for downstream protective values as implementation of the proposed D.P.V.s would be inconsistent with this federally-recognized T.M.D.L. And we look forward to working with you to develop reasonable, scientifically-based requirements.
Tampa Bay is currently meeting its designated uses, and we hope that the upcoming estuarine criteria and D.P.V.s will account for the existing condition of the water body.
Additionally, E.P.A. should incorporate consideration of the limiting nutrient for a water body in the proposed rule. Otherwise, entities may be required to construct, operate, and maintain expensive treatment facilities to reduce ambient concentrations of the non-limiting nutrient without producing any measurable benefit to water quality.
This would be a terrible waste of limited fiscal resources which continue to be reduced as we all experience restricted budgets and downsizing.
Furthermore, Hillsborough County's advanced domestic wastewater treatment plants currently meet very strict nutrient criteria. A T.M.D.L. that E.P.A. proposed for Rocky Creek, a tributary of

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Tampa Bay, stated the following: E.P.A. recognizes that the three existing wastewater treatment plants currently apply advanced wastewater treatment and that further reductions in the load from these facilities may not be economically or technologically feasible.
It is not clear at this point how the proposed numeric criteria will be implemented with regard to point discharges.
Alternate criteria and mixing zones are very difficult to obtain. If the numeric criteria are applied of end-of-pipe limits, we could not attain these levels without spending hundreds of millions of dollars in upgrading our facilities with

ultrafiltration, reverse osmosis, and brine disposal. Additional O&M costs would be significant as well.

In closing, we want to thank you for the opportunity to provide comments today, also for acknowledging our concerns with the previously-proposed downstream protection values, and for your continued cooperation in working with all of us in developing a reasonably and -- a reasonable and scientifically-defensible rule.

Thank you.

MR. KING: Thank you.

MR. KEATING: Thank you for your comment.

Speaker number 50, please. And could speaker number 52 join us in the chairs behind the podium.

MR. COUGHENOUR: My name is Frank Coughenour, I am the utilities operations manager for the City of Plant City. I am a professional engineer, a Florida native, my wife is a third-generation Florida native, and like most everybody here, we -- we really love and appreciate the state.

The City will be presenting a -- a number of legal and technical concerns in writing, but the -- the items I'm going to touch on deal with the realities of -- of engineering trying to do wonderful things with limited amounts of money.

And -- and I want to talk about the E.P.A.'s cost assessment particularly. The 1.2 to 1.5 billion dollars seems to be, to me, grossly underestimated. I've seen a -- seen a number of studies that estimate 10 to 20 times that amount.

The -- particularly, the cost estimated for domestic wastewater seem to focus on the current level of technology, 3 milligrams per liter of nitrogen and either .5 or .1 milligrams per liter of phosphorus, but -- but the -- the end stream

protected values and -- and the downstream values that we've seen before are significantly more strict than that, and we -- we are certain that the compliance costs would be exponentially higher.

Additionally, the -- the stormwater -- we saw very little, if any, discussion on the costs of bringing stormwater systems into compliance. I would like to see more explanation of -- of how that was achieved, particularly in light of not just the current requirements of the M.P.D.S. MS4 systems, but -- but with this new, more strict standard and the additional work they would have to go to to achieve those standards.

The -- the E.P.A. rule referred to at the last portion of the unfundated -- unfundated mandate reform act section, I would like to read this, "The proposed rule does not regulate or affect any entity, and, therefore, is not -- is -- subject to the requirements of sections 2 of 2 and 2 of 5 of the Unregulated Mandates Reform Act."

It seems to us that it does really maybe not absolutely directly but -- but certainly indirectly through the regulations that the State will have to implement affect us.

Also, it says that after that, E.P.A.

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determined that this proposal -- proposed rule contains no regulatory requirements that might significantly or uniquely affect small community -- small governments. Uniquely affect, maybe you are correct there, but -- but certainly, we will be significantly affected.

The second aspect of what I wanted to touch on was the -- the doing efficiently what we have to do with -- with the funds we have available. It appears to me this is a -- kind of a shotgun approach to -- to regulation.

We are regulating a number of water bodies that -- that are really in good shape, and undoubtedly, there would be a lot of funds expended on -- on legal costs associated with water bodies that are in good shape that -- that are determined not to be in compliance, and also development of site-specific criteria for those water bodies and -- and that battle.

And ultimately, there -- there undoubtedly would be a good bit of funds spent on projects that are of a lower priority than -- than they are right now.

Thank you.

MR. KING: Thank you.

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MR. KEATING: Thank you very much.

Speaker number 51. And could speakers 52 and 53 join us in the chairs behind the podium, please.

MS. McGRATH: Hi there. Thank you for this opportunity. My name is Lauren McGrath. I am currently visiting Florida, and as such, I am here partially as a tourist, enjoying the waterways and investing in the local economy.

But that's more recent. My ties to the state go beyond an annual vacation or a business trip. While I currently live out of state, I am a third-generation Floridian. I grew up in Sebastian Beach with -- or near Sebastian Beach with the Atlantic Ocean on one side and the Indian River Lagoon on the other side.

By the age of ten, I knew mangrove -- the mangrove and canal system in our neighborhood by our home almost as well as we knew our own home, or almost as well as I knew my own home.

During my youth, my sister and I spent the hot, sweltering summer days crashing through Florida scrub, kayaking amidst interweaving mangrove channels, fishing and watching sunset after sunset on those waterways near our home.

Growing up in this incredible state, I had a

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powerful connection with my natural environment. I have one memory that sticks out, and it was a -- it was a book that my dad called -- had. A book that my dad had. It was called Florida, My Eden.

It was just about native landscaping, but as a child, it stuck out to me. Florida, My Eden, I thought, as our family took off for our Sunday morning tradition, church, followed by shrimp and grits, followed by kayaking in the nearby waterways.

From Sunday school to the beach, the idea of Florida as our Eden, our critical natural environment, made sense.

As children, my sister and I were never told to fight for our environment nor were we told that -- that our home and the waters of Florida would be under attack.

But I do the -- I do recall the days when, without explanation of what had happened, tears had streamed down our -- our little faces when we saw fish kills or waterways being choked off by pollution.

At that age, and I think for also common folks of all age, asking for enforceable, measurable nutrient criteria was not part of our vocabulary.

But let me tell you, if we had known how to articulate it, we would have.

In fact, 12 years ago, when I was 14 and my sister was ten, the E.P.A. passed the first national strategy -- strategy for development of regional nutrient criteria.

12 years ago when that happened, my sister and I were, in fact, walking dogs in our neighborhood and donating the proceeds to water and environmental groups to protect our homeplace that we had so deeply cared for.

And I've got some bad news: Neither effort worked. Our dog walking efforts did not pay off, we did not quite save the waterways. And now in 2010, 12 years later, an action, and especially an action by the Florida D.E.P., has resulted in increasingly-impaired waters.

This inaction has gone on for too long and the cost has been too great. Failure to implement numeric nutrient standards means losing part of our homeplace. It also means degraded public health, aquatic life, clean water, and, Florida's most booming economy, tourism.

So I'm here today to say as someone who grew up in the state, third-generation Floridian, and now as one who lives out of state more recently and travels here to enjoy Florida's water environment, I strongly urge the agency to implement numeric nutrient standards to safeguard public health and protect Florida's waters.

Thank you.

MR. KING: Thank you.

MR. KEATING: Thank you.

Could we have speaker number 52. 53? And could speakers 54 and 55 join us in the chairs behind the podium. Thank you.

MR. SHERWOOD: Good afternoon, my name is Ed Sherwood. I am the program scientist for the Tampa Bay Estuary Program, and I'm here on behalf of our executive director, Holly Greening, who is unable to attend today.

As you may know, the Tampa Bay Estuary Program is one of the 28 national estuary programs in the country established under E.P.A., and since the early 1990s, the estuary program has been progressively developing adaptive nutrient

management strategy to support seagrass recovery in Tampa Bay.

I should also mention that I'm here today speaking on behalf of the Tampa Bay Nitrogen Management Consortium, a public/private partnership formed in the mid 1990s to implement the adaptive nutrient management strategy developed for Tampa Bay and by the Estuary Program.

The consortium now consists of more than 50 local governments, industries, and electric utilities that have worked cooperatively -- cooperatively over the past quarter century to help support the Tampa Bay Estuary Program's efforts in -- in recovering seagrass in the bay.

To date, I note -- I note those projects that have been -- have reported costs associated with them, the consortium has invested over 430 million dollars in various nutrient reduction products in Tampa Bay, which has led to the preclusion of approximately 432 tons of nitrogen in entering the bay each year.

Furthermore, the consortium and the estuary program partners recognize that occasional setbacks have occurred in Tampa Bay, mostly in response to anomalus weather events.

You have heard today about nuisance algae blooms that have occurred in the bay from time to time, but what you probably haven't heard is the community's complete response in adapting to those new challenges.

For instance, several Tampa Bay municipalities have passed residential fertilizer ordinances that restrict fertilizer use during the summer rainy season when the potential for fertilizers to enter the stormwater runoff is highest, and the Tampa Bay Estuary Program continues to encourage other local municipalities to support similar such ordinances.

Also, the Tampa Bay Estuary Program and its partners will be funding a major research study in the portion of the bay where these blooms typically occur in order to identify appropriate, specific, and effective management actions to reduce the potential for future bloom formations.

It should be recognized, however, that despite these setbacks, the bay continues to recover seagrass because appropriate water quality conditions have consistently been -- been maintained.

The actions I previously detailed in large part lent to the adaptive nutrient management strategies developed by the estuary program and the consortium over the past quarter century.

I will not try to reiterate many of the other points that have been raised by participants of the consortium that were expressed at previous E.P.A. public comment sessions that were held in Florida in February, but rather express our appreciation for E.P.A.'s consideration of the points that were made by the many consortium members.

As such, I would like to state on behalf of

the consortium that we thank E.P.A. for their decision to establish downstream protective values for the Tampa Bay Estuary in conjunction with the development of estuarine numeric nutrient criteria that is anticipated to occur in 2011.

We look forward to working with the E.P.A. over the next year in developing defensible protective nutrient criteria for the Tampa Bay Estuary.

And to this end, I would like to point out that the consortium has formally developed and submitted a response to the proposed E.P.A. freshwater numeric nutrient criteria that outlines the nutrient management strategy developed by the consortium over the past quarter century.

This strategy at its premise establishes appropriate nitrogen loads to each of the four major bay segments of Tampa Bay that will support the persistence and restoration of seagrass

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resources as well as maintain appropriate water quality in the bay to fully support aquatic life and help the bay obtain its full designated uses.

The consortium feels that these bay-segment-specific nutrient loads developed for Tampa Bay and implemented by the consortium are defensible protective nutrient criteria.

In fact, if history is any indication of the successful implementation of its nutrient manage -- management strategy for Tampa Bay, I would note that existing total nitrogen loads are less than half of what they were in the 1970s. This has lead to the natural expansion of seagrass metals to levels not seen in the bay since the 1950s.

Based on the many lines of evidence that have been reported and submitted to E.P.A. in response to the -- the proposed freshwater criteria for -- for the bay, the consortium continues to respectfully request that E.P.A. acknowledge that bay specific loads developed for Tampa Bay is appropriate and defensible nutrient criteria for the estuary and as downstream protective loads in the final Florida lakes, flowing waters, and estuarine criteria rule in 2011.

Once again, we thank E.P.A. for their

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consideration of these points in developing numeric nutrient criteria for Tampa Bay, and we encourage you to contact us with any questions or comments that you may have based upon our requests and public comment submittals.

Thank you for your time and E.P.A.'s consideration in holding more public comment sections in Florida throughout this week, and thank you for soliciting comments in the Tampa Bay community. Thank you.

MR. KING: Thank you.

MR. KEATING: Thank you. Speaker number 54. And could speaker number 56 join us in the chairs behind the podium.

MR. RICHARDS: I'm Joe Richards, Assistant County Attorney for Pasco County. And to save some time, I'll adopt the comments of the Nutrient -- I

mean, the Nitrogen Management Consortium, which Pasco County is participant in, and also those comments of Hillsborough County and Pinellas County.

But Pasco County does have a number of significant concerns that need to be addressed prior to the adoption of the numeric nutrient criteria. I'll just touch on a couple today, and

we will be submitting full written comments that will identify in detail our concerns.

Regarding lakes, the E.P.A.'s proposed use of 6 micrograms per liter of chlorophyll a seems unjustified and indefensible for clear acidic lakes. And we think the use of a -- the 10 micrograms per liter for clear acidic lakes would be more reasonable.

Regarding streams, the use of a reference approach for the determination of numeric nutrient criteria for streams does not seem to recognize the cause-and-effect relationship found in Florida streams between biological health and nutrient concentrations.

Florida streams typically do not show significant response to elevated nutrients; rather, the more significant response parameters in Florida would be D.O., algal growth, and parafitant growth, which are more responsive to hydrology and local substrate.

Also, E.P.A.'s stream criteria do not recognize or account for the existence of certain types of streams in Florida, specifically black water and wetland-dominated systems, two of which in Pasco County would be Cypress Creek and Trout

Creek.

E.P.A. in its development of reference stations eliminates sites that were listed for impairment for D.O. tied to nutrients and stations that were listed for nutrient impairment, even if they showed healthy biology.

And this is not appropriate and could potentially skew the nutrient criteria. Many of these streams, such as the ones I mentioned, naturally have low D.O. and high nutrients.

And also, I would like to say in closing that Pasco County property owners currently pay over 15 million dollars per year to fund the county's stormwater utility. And before we have to increase these stormwater fees, we want to make sure that the scientific deficiencies are addressed.

Also, as discussed by Water Management District, Pasco County -- many Pasco County residents use reclaimed water for outdoor irrigation. We use over 15 million gallons per day annual average. And we fear that these standards could curtail the use of or prevent the expansion of this vital water resource.

Thank you.

MR. KEATING: Thank you for your comment.

MR. KING: It is now 4 o'clock, and the session theoretically ends now, but we're going to

continue beyond 4:00, probably till 5:00.
What I would like to know is how many folks are here who want to speak who have not yet had a chance to speak? So we can get a sense -- okay.
If we all together do the math, five minutes in the next hour means we could have 12 speakers. So I think I would like people just to get comfortable with the fact that some of you may need to come back at 6:00.
If you come back at 6:00, we will put you first, to let you know that. And in the meantime, we'll go forward till 5:00 and take as many as we can.
MR. KEATING: Okay, speaker number 55. And could speakers 56 and 57 join us at the chairs behind the podium.
MR. WALDO: My name is Eric Waldo, I work for a -- one of the dreaded fertilizer companies. We sell fertilizer, specialty fertilizer, good fertilizer. It's all good fertilizer.
The question we have before us today is an interesting one. There are some questions that I'm -- things I am not going to talk about today. I'm

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not going to talk about the different legal arguments that are out there, whether this is a federal matter or a state matter, whether it's unfairly applied to a single state as opposed to all of them.
I'm not going to talk about whether it violates the rights of the people in the Legislature by having the federal government ask those things.
I'm not going to talk about the different scientific arguments that are there, is there sufficient data to accurately make this -- these criteria. And a lot of those arguments have been made.
I'm not going to ask about whether the SPARROW is the appropriate model to cover the entire state rather than getting site specific. I'm not going to talk about sufficient -- is there sufficient data to accurately point to farmers or to fertilizer as the culprit, is the average farmer out there, is he the bad guy, is the average homeowner the bad guy, is the fertilizer company the bad guy, are there other parts of it, we're not going to talk about that.
I'm not even going to ask the -- the really

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big question is can we actually feed our population if we discontinue the use of fertilizer and we get rid of all the farmers. We won't -- we won't ask that question.
The economic arguments, we are not going to ask -- won't ask those, either; will these kind of requirements cost the people of Florida much more money individually as the municipalities try to comply in making water better than pristine water, in some cases, as I understand it.
I have heard numbers all over the place, whether it's $100 a person, $1,000 a person or a family, a couple thousand a person or a family,

whatever that is, that's -- that's obviously a question that needs to be answered, but obviously not for today.

The economic -- another argument -- economic argument that I won't ask is will these requirements cause an overwhelming burden on farms and agri business, which, again, I'm admittedly part of, love being part of the farming and agri business, farmers are some neat people and do some neat things, further putting the largest production industry and the second largest industry in all of Florida in financial jeopardy.

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They employ 13 -- over 13 percent of our population is in agri business. And will this have dire economic consequences on the state of Florida, not to mention the municipalities and the people themselves, anyone who uses electricity, those things.

I'm not going to talk about those things, but I will tell a quick story. About ten years I was part of a group, I was the county agent for -- actually for these counties here, I worked with -- we had got all the regulators together in Florida, we said we're going to help one farmer comply with all of the different rules.

And we got us all in a big room, and we added up at one point, I believe it was 54 agencies that one farmer had to comply with. And we all sat down in a room, and we sat there, we got -- all met together, and we said we're going to help this farmer make a plan for his farm where he would comply with everything, every B.M.P., every right way to do things.

And we sat there and we went through meeting after meeting after meeting for years and years. And I left the university, went into other things, and the meetings kept on going for years.

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And the final conclusion from the grower was it couldn't be done. The farmer actually quit farming, because he realized how many agencies and how many criteria, how many overlapping criteria they had to deal with.

Once they put the numbers to paper, they -- they said, "Fine, you guys win, you're right, let's just quit farming." So they quit. And that's the bigger question that we have here in Florida, I believe, and across the United States, do we believe -- pristine water, the best way honestly to have pristine water would be everyone leave and every once in a while we allow a certain number of people to could come in and walk around the state and enjoy the view and enjoy the water without any effect on it, and then they have to leave and they come back. We maybe let a hundred in a year. Cumberland Island I think lets in a few a year. And then we'll have as pristine a environment as possible.

I don't think that's reality; no one here does. So now we have to ask the big question, is agriculture going to be a part of our future? Do -- do people want that to be part of our future?

And what I would encourage people to do on both sides is to sit down, sit with the farmers and -- and those in agriculture and say let's find a real answer.

Pristine is nice. Like I say, I love water, love fishing, and all those things. Is there a way to peacefully coexist where we can use fertilizer, it's a good thing, it feeds a lot of people, it increases production by ten -- ten times on average, is there a healthy medium here that we can all live with.

I appreciate y'all's time, and any way we can help, let us know. Thank you.

MR. KING: Thank you.

MR. KEATING: Thank you.

Speaker number 56, and could speaker number 58 join us in the chairs behind the podium, please.

MR. STEADHAM: Good afternoon. My name is Phil Steadham, I'm the environmental director at the Tampa Port Authority here in Tampa. I'll make my comments brief so I don't repeat. I know we have all said a lot of the same thing.

The Port Authority is a member of the Tampa Bay Estuary Program and also the Nitrogen Management Consortium. We've participated in and we fully support the efforts by both of those groups to establish numeric nutrient targets to restore and protect seagrass beds and restore environmental conditions in Tampa Bay to levels that were observed in the 1950s.

Waste load allocations agreed to by more than 40 public and private participants have resulted in an equitable distribution of nitrogen across all sectors and sources in the bay. U.S. E.P.A. and F.D.E.P. are also active participants in that process. They have also provided written concurrence at every step along the way.

The -- the Port Authority has recently submitted written comments on the proposed rule, and we strongly support the efforts by the consortium in establishing total nitrogen and total phosphorus loads that are appropriate, defensible, and most importantly, are achieving the desired improvements to seagrasses and water quality in Tampa Bay.

Our request is that the waste load allocations that have been developed by those groups be accepted as cite-specific alternative criteria for the waters of Tampa Bay.

That concludes my comments. Thank you.

MR. KING: Thank you.

MR. KEATING: Thank you.

Speaker number 57. And could speaker number 58 join us in the chairs behind the podium, please.

MR. HILLIARD: Good afternoon, gentlemen, I'm Dan Hilliard. I've been a resident of Florida for most of my 61 years. I live up near Yankeetown on the Withlacoochee -- the Lower Withlacoochee River.

I have in the span of my life watched the waters in Lake Okeechobee turn from clear to what

they are today. I have watched Lake Clinch, which is in Frostproof, Florida, where I was raised in my early years, turn from a clear water, sandy-bottomed lake to something that I would not set foot in right now.

In 1970, I fished the Merritts Mill Pond, and it was a lovely water body. I gave it my last effort in the late 1880s, and it was -- or 1980s, rather. I'm not that old. And it was a mess 22 years ago.

I'm executive director of Withlacoochee Area Residents, and most of our members do live on the lower river up there. We have quite a -- an interesting cross-section of members, primarily white-collar professionals that include Silicon Valley entrepreneurs, numeric physicists and

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engineers, geophysicists.

And with all that expertise, we basically apply a very simple litmus to what we see in Florida, and that the Florida's narrative description has failed. It has failed consistently across the state.

With that said, we welcome your intervention in this process and the establishment of the numeric nutrient content levels. We -- I said we welcome concerns about how it's being administered. It's not clear to us. We are not water experts.

An example would be your -- your springs proposal, .35 milligrams per liter. Now, on the Withlacoochee River, which is a conundrum in its own right, it's a relatively high-water water -- high-quality water body until it reaches the outflow of the Rainbow Springs, where about 1.8 milligrams per liter of nitrogen is introduced. And it goes through Lake Rousseau, where it's filtered to some degree with -- by aquatic vegetation, comes over the spillway into the lower river.

And we've been actually afforded through the docket on this case water quality summaries that indicate nitrogen levels ranging in the .25 to .85

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range over the last couple of years. The lower level is beset with algae blooms and Lyngbya.

1994, the organization was instrumental in the designation of that water body as an outstanding Florida water. It is not as outstanding today as it was then. And the problem we see, the D.E.P. does not have the framework, does not have the legal basis to address these things. This is why we support the numeric content issue.

To digress slightly on the issue of -- of the springs proposal, I think that it is a reasonable compromise in what you're looking at here, the historic background of Silver Springs back in the time when I first saw it was about 1/2 milligram per liter, it was a vibrant body, and that's -- I remember it from that visit one time. It's not like that today.

Banning Springs is point -- is 8 milligrams per liter right now, it's the worst on -- on Florida's list. Levy County Commission recently

passed a nonbinding resolution against the process that you all are -- are in charge of here, which we found somewhat conflicted because that's one of their largest tourist attractions.

With that said, the springs that feed Crystal River in Citrus County are generating, as we understand from the Southwest Florida Water Management District, are generating nitrogen loads in the range of .35 milligrams per liter, and it is heavily impacted with Lyngbya and -- and other algaes.

I don't know that the answer to all this is clear. This is the science that you folks have to work out. Possibly specific determinations for specific basis and rivers and such would be appropriate.

With that said, the thing that drives our interest in water regulation in Florida is economics. And we ask the single question if we don't deal with this now, what is it going to cost later?

Water is the lifeblood of everything that lives on land in this state and it's the fuel for our economy. 305B report in 2008 indicated offshore contribution of Florida's gross product, the -- the coastal and offshore waters was 587 billion dollars. We suspect that that contribution in the inland waters is much, much higher.

I thank you for your time.

MR. KING: Thank you.

MR. KEATING: Thank you for your comment.

Speaker number 58. And could speakers 59 and 60 join us at the chairs behind the podium, please.

MR. BROWN: Good afternoon my name is Rob Brown, I work for Manatee County government and currently serve as cochairman of the Tampa Bay Nitrogen Management Consortium.

And again, we want to thank you again for this opportunity to comment on E.P.A.'s water quality standards for the state of Florida's lakes and flowing waters.

My comments today support and expand on comments I made at the February 17th public hearing in Orlando. As previously mentioned, Manatee County is a member of three national estuary programs, Tampa Bay, Sarasota Bay, and Charlotte Harbor.

Manatee County policy makers and technical staff are very involved in all three programs, and the County supports the efforts of establishing and implementing the requirements of the respective comprehensive conservation management plans, or C.C.M.P.s.

E.P.A. needs to recognize and embrace the expansive efforts conducted by these national estuary programs and incorporate their goals, targets, and criteria that have been and are being established as appropriate to meet the numeric nutrient criteria for these estuaries and contributing tributaries.

In response to Mr. Peter Silver's letter to F.D.E.P. Secretary Sole this past March, we support E.P.A.'s recommendation to defer the establishment of downstream protective values, or D.P.V.s, for streams discharging into estuaries until the criteria for estuaries are established in 2011 and for providing additional third-party review of scientific basis for water quality standards to protect downstream estuarine and coastal waters, and as stated numerous times today, the estuary program stakeholders continue to work digitally on onsite specific criteria, and we look forward to working with E.P.A. and their consultants during the next year to help establish appropriate estuarine nutrient criteria and D.P.V.s for Florida's west coast estuaries.

Now I would like to discuss a little bit of our concerns with the proposed nutrient criteria for lakes. E.P.A. proposes a methodology for stream classification by using identified

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geographic areas that have phosphorus-rich soils and geology, but the use of these eco regions is not considered for lakes.

On page 77 of the document, it states, "Watersheds are classified in this proposal as separate N.W.R's," or nutrient watershed regions, "because it is well established that the naturally phosphorus-rich soils in these areas significantly influence stream phosphorus concentrations in these watersheds."

How come the same considerations are not used when establishing criteria for lakes within designated N.W.R's? I do not believe this data used by E.P.A. to establish the lake criteria adequately represents these nutrient watershed regions.

Manatee County is located in the Bone Valley N.W.R. and has always recognized the issues related to elevated phosphate deposits in our soil, evident by multiple active phosphate mines and elevated phosphorus levels in our water bodies.

I have just given you a handout that clearly illustrates our concerns with the proposed T.P. criteria for lakes and recognize, and what we have here is, again, the proposed E.P.A. criteria for

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colored lakes, chlorophyll value of 20 with a T.P. of .05 and modified criteria ranging from .05 to 1.57.

The two examples below this are for the Lake Manatee, which we saw earlier today, which is in the Bone Valley region and adjacent to our phosphate mines, and Evers Reservoir, which is a little bit far west.

As you can see over the last decade, our average geometric means for phosphate -- for phosphorus concentration in Lake Manatee is .3, about six times higher than the baseline criteria and outside of the range of the modified criteria.

However, if you look in the footnote, our average chlorophyll a concentration for the last decade is about 6.9, considerably lower than the 20

established in -- in -- in your proposed rule.
Very similar thing with average reservoir, average geometric mean for phosphorus is .19, maintaining an average chlorophyll concentration of 13.6.
Therefore, we -- we request that E.P.A. consider these and other data for lakes within designated N.W.R's to establish appropriate T.P. criteria for lakes and D.P.V.'s for tributing

streams.
In fact, we question the need for phosphorus criteria at all for these systems that are dominated by natural deposits.
Again, thank you for this opportunity to provide comments on this very important criteria, and we look forward to providing comprehensive written comments by October -- by April 28th.
Thank you very much.
MR. KING: Appreciate it.
MR. KEATING: Thank you for your comments.
Speaker number 59. And could speaker number 61 join us in the chairs behind the podium.
MS. REINER: Good afternoon, I'm Monique Reiner. I'm a resident of Lake County, Florida. I am also a member of Lake County Farm Bureau, and I am a second generation peat harvester.
Agriculture is the second largest industry in the state. This legislation would have a huge impact on our industry. There are substantial costs of complying with the unsound regulatory policy. The costs will be passed down to the Floridians in their utility bills and will put Florida's agriculture, commerce, and industry at a competitive disadvantage with the rest of the

country, where federal standards currently do not exist.
Additionally, agriculture is not able to pass along increased costs to customers. This will drive our food production from being locally grown to overseas, where state residents do not have the knowledge of how their food is grown.
Agriculture already has best management practices to help control nutrient runoff and improve water quality. You know, in closing, I fear this is going to have just such a detrimental impact to our state and the agriculture in our state.
Thanks.
MR. KEATING: Thank you for your comment.
Speaker number 60. And could speaker number 62 join us in the chairs behind the podium, please.
DR. BLANCHER: My name is Dr. Eldon C. Blancher, II, of Sustainable Ecosystem Restoration, L.L.C., and I am an environmental scientist who has spent the larger part of my last 30 years working on nutrification and nutrient issues within the state of Florida.
I am here on behalf of C.F. Industries, which has asked that I review the scientific merit of

E.P.A.'s proposed numeric nutrient criteria for

Florida.

I appreciate the U.S. E.P.A. extending the time available for public comments related to the rule and for this second round of public hearings, particularly given the sensitivity and complexity of nutrient issues in Florida.

At the same time, I am shocked that the public -- that a public, purportedly science-based agency is using health scare tactics concerning its -- in its rule background and announcements for the hearing.

E.P.A. should be held to the same professional and scientific standards as everybody else, and it should also be required to back unsupported claims with actual data.

Nutrification issues are complex, especially in Florida, with its diversity of aquatic ecosystems. Understanding how these highly-variable ecosystems throughout the state respond to nutrients is not a simple task, as demonstrated by the work of F.D.E.P. in their efforts around the state.

We believe many of the concepts proposed in the rule do not fully account for the

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highly-variable physiography in the state -- of the state's regions and water bodies, nor of their designated uses.

We take exception at the U.S. E.P.A.'s watered down and simplistic view of nutrification science, applying ideas and concepts that are decades old. For example, during the previous public hearing and recent press announcements in the background information of the -- to the E.P.A.'s proposed rule, they presented several points about harmful algal blooms, and particularly with red tide events, and intimated that all of these blooms are the direct result of nutrient loading from inland waters.

Red tide events, according to the imminent Florida researchers who work on this issue, are mainly caused by offshore and atmospheric events which stimulate the growth of opportunistic red tide species K. brevis.

We have prepared written comments addressing these issues with publications and recent presentations documenting the current understanding of the scientific community.

Previously, I had commented that E.P.A. fails to consider high nutrient productivity and high

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turnover rate of nutrients in Florida's tropical physiographic setting. This is particularly true on systems fed by wetlands and many of the systems in the Bone Valley area.

Recently F.D.E.P. has commented that U.S. E.P.A.'s methods in part will erroneously identify as impaired many unimpacted reference systems with high natural levels of nutrients.

That supposition by E.P.A. that all of these are impaired is a serious failure to recognize some of the most unique Florida environments. These and other unique Florida environments may be

systematically classified as to physiography, geology, origin and designated use before appropriate standards can be applied.

Examples of this failure include E.P.A.'s selection of 6 micrograms per liter of chlorophyll in the clear acidic lakes, as stated by D.E.P., is not linked to a biological response nor to any state designated use.

E.P.A.'s failure to consider data from manmade created lakes in the Bone Valley area, where no natural lakes previously existed, that meet their designated use as they are required to by state law.

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The rule does not consider the limiting nutrient concept relevant to an appropriate classification lake scheme where trophic response is to either N or P but not both, and also the failure to recognize, as F.D.E.P. points out, the naturally high levels of organic nitrogen derived from wetlands which are not related to anthropogenic loads.

We state again that the stream -- of the in-stream protective values of the streams are inappropriate and not based on sound science. The State has demonstrated that there is not a statistical relationship between the S.C.I. and nutrients, and we have independently confirmed that assertion, nutrients do not significantly contribute to the biological variation in F.D.E.P.'s stream data set.

We echo the Science Advisory Board's comments that univariant relationships cannot describe multivariant phenomenon. Thus, to base nutrient criteria on a biological condition measure which is not -- which is known not to vary with nutrients is totally arbitrary.

This also renders the U.S. E.P.A.'s selection of 75 percent of reference streams another

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arbitrary decision in the reference waters approach is unsound and unscientific.

We agree with many of the points F.D.E.P. has made on the various aspects of the U.S. E.P.A. proposal, including averaging and time periods related to determining violations. We particularly object to developing criteria from stream characterizations when the computation of geometric means are made from single data points.

Another example where U.S. E.P.A. applied -- where U.S. E.P.A. has applied overly simplistic superficial analyses and applied unexpressive and outdated science is in trying to develop downstream protection values for lakes based on Vollenweider's input/output models.

Input/output models do not generally work in many of Florida's lacustrine systems. We are preparing comments which identify those weaknesses in that approach, and are also preparing suggestions on alternative approaches.

I also appreciate U.S. E.P.A.'s decision to laying the application of downstream protection values for estuarine systems derived from the

SPARROW model. And I believe that the D.P.D. concept for estuaries is not based on good science, and especially a T.M.D.L. program.

If T.M.D.L.s are properly done, as Florida has done with many estuarine systems, they will have no need for a layer of arbitrary rules not based on sound science which would do more harm than good.

We ask that E.P.A. extend its final rulemaking beyond the current October deadline so that our comments along with the comments of many of Florida's other knowledgeable scientists can be appropriately considered so that an appropriate rule based on sound science can be promulgated.

Thanks.

MR. KEATING: Thank you for your comments.

Speaker number 61. And could speaker number 63 join us at the chairs behind the podium.

MR. MERRIAM: Mr. Keating, my name is Jack Merriam, I am representing Sarasota County Government. And I appreciate the additional opportunity to come and make some comments.

Sarasota County Government has been committed to sustainable management of our land and water resources for decades; therefore, we support the concept of numeric nutrient criteria.

In 2005, the County, in partnership with the Southwest Florida Water Management District, began to develop a water quality management plans which will develop water quality level of service or water quality targets for each of our bay sheds.

Since some of our bays cross geopolitical boundaries, we are working with the Sarasota Bay Estuary Program and the Charlotte Harbor National Estuary Program to develop bay-wide targets for each bay in the National Estuary Program area.

We developed a pollutant load model called SIMPLE that allows us to model pollutant loading from and to any geographic area. Our goal is to manage the loading from the watershed to our receiving waters in order to provide protection of full aquatic life support and meet and sustain our designated uses.

Sarasota County is a bay centric community which fully recognizes not only the intrinsic value of our bays, but their economic value to our tourism-based economy.

Further, Sarasota County taxpayers and citizens have freely invested in the restoration and protection of our land and water resources. In 2005, Sarasota County taxpayers passed the 250 million dollar bond issue to purchase and protect environmentally-endangered lands and urban park land.

In 2007, they passed a 1 penny sales tax to support infracture improvements, including about 25 million dollars for water quality enhancement and settlement abatement projects, and we are in the process of trying to double that by obtaining grants, such as two 319 grants that we currently have been awarded and are beginning to work on as

well as cooperative funding programs from the Southwest Florida Water Management District.

The County continues to reduce the number of wastewater treatment plants, going from approximately 133 in 1988 to 33 today. The wastewater flows have been consolidated into larger, more efficient County owned and operated wastewater plants.

Additionally thousands of old septic tanks have been abandoned and replaced with central sewer. Millions of them -- millions have been spent on regional stormwater treatment systems, such as the Celery Fields project, where a 350-acre wetland treatment system has become an internationally known birding venus with sightings of 206 species of birds to date.

The City of Sarasota and Sarasota County have

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moved to reuse of reclaimed wastewater or deep well injection in an effort to reduce or eliminate surface water discharges from our waterways.

Additionally, we have adopted a fertilizer rule, developed low impact development standards and a manual, we developed a volunteer seagrass monitoring program as well as a scallop monitoring program that is additionally looking at such things as parafitan and micro algae and identifying to species, so we are able to actually map extensively our seagrasses.

We have developed the first tidal creek index in the state of Florida, which looks at macro invertebrates and other benthic organisms.

All of these investments are paying off in improved water quality, and our biological indicators of ecosystem health are showing that our estuarine waters are not impaired for nutrients, but rather are beginning to show positive trends.

We believe that E.P.A.'s underlying premise that most of Florida's estuaries are impaired by nutrients is flawed.

In the rule, proposed rule, you say that most of Florida estuaries are listed as impaired to some extent by nutrients or nutrient-related causes, and

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many or most estuaries have reduced water clarity and substantial loss of seagrass habitats.

None of the estuaries in the Sarasota Bay Estuary Program are currently listed as impaired for nutrients, and we currently have more seagrass in our collective bay systems than we did in 1948 to 1950.

The fact that the biological indicators are all positive, our seagrasses are thriving seems to indicate that our existing watershed loads of total nitrogen and total phosphorus are protective of estuarine waters within the Sarasota Bay Estuary Program.

We would suggest that you build on your investment in the estuary programs and utilize their science and -- for water quality targets as estuarine criteria and downstream protective values.

Thank you.

MR. KEATING: Thank you for your comments.
Speaker 62. And could we have speaker 64 join us in the chairs behind the podium.
MS. McCARTHY: I am Linda McCarthy with Lykes Brothers. Lykes owns approximately 340,000 acres of contiguous land in Glades and Highlands county.

We go from the southeast of Lake Istapoka over to the east to the western edge of Lake Okeechobee and then almost down to the Caloosahatchee River.
The primary agricultural activity is cow/calf, so it's fairly low intensive area, there is a lot of unimproved pasture, natural areas left in. We also have large stands of forestry products, eucalyptus and pine, and then a few higher intensity areas of citrus, vegetable, and sugar cane.
I made comments at the last round of public hearings and made a lot of technical -- expressed our technical concerns for the methods that were used, so I'm not going to repeat them again, but I did want to emphasize a couple of them.
Especially the use of biological confirmation in the development of the criteria. Those specific numbers actually -- there is a cause and effect thought gone behind it when -- when coming up with the numbers.
I agree with the gentleman who spoke way in the very beginning that there is not enough emphasis or attention placed on economics. The economic analysis that's been done is flawed. It doesn't adequately address impacts to agriculture.

And we commented on that earlier, but hadn't noticed that E.P.A. was going to be redoing or hadn't heard that if E.P.A. was going to be redoing that economic analysis and include anything.
One of our big concerns on this is that -- and you've heard a lot of the comments today from Pinellas County and some of the other governments about money having to be diverted to come up with site-specific criteria because E.P.A.'s taken this broad-brush approach and not considered the diverse characters of the different water bodies in Florida.
They're not all the same. And when you have a 300-mile area that you're kind of lumping all together and -- and giving the same numbers, it -- it -- it's going to cause mostly a lot of the local and state governments to spend a lot of money to come up with a site-specific criteria instead of having it done ahead of time.
So we're concerned about that money being with diverted from programs that are actually implementing cleanups now in -- in the water bodies and in the programs that we're involved in, and that money will be diverted and there will be less, a lot less progress being made in the future.

Thank you.
MR. KEATING: Thank you for your comments.
Speaker 63. And could speaker 65 join us in the chairs behind the podium.

MR. STEWART: Good afternoon, my name is Jeff Stewart, I'm an environmental superintendent for Mosaic, currently working at the Riverview facility. I also serve as industry cochair for the Nitrogen Management Consortium of the Tampa Bay Estuary Program.

I would like to recognize E.P.A. for their decision to establish downstream protective values for the Tampa Bay Estuary in conjunction with the development of estuarine numeric criteria, and also recognize E.P.A. for extending the comment period on the subject rule.

We have embraced E.P.A.'s participation in the estuary program over the past decade and look forward to the continuing partnership throughout the next year while developing scientifically defensible protective nutrient criteria for Tampa Bay.

I encourage E.P.A. to utilize the extensive scientific studies completed by the Nitrogen Management Consortium to develop downstream

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criteria appropriate for Tampa Bay.

As previously reported, the consortium members had invested over 430 million dollars in nutrient reduction projects for Tampa Bay, which resulted in significant reduction of nitrogen loads.

The phosphate industry, which I work in, has made numerous contributions to this effort in mining, processing, and material handling facilities. We are proud of these accomplishments, and we will continue to look for new and innovative approaches to manage our business.

Thanks again for the opportunity to comment and the open dialogue with E.P.A.

MR. KEATING: Thank you for your comment.

Speaker 64. And could speaker 66 join us in the chairs behind the podium.

MS. FERNANDEZ: Hi. I prepared something different, but I'm just going to tell a personal story instead. I was touched by the personal story that I heard earlier from the couple who built their home on the Hillsborough River 50 years ago.

MR. KEATING: Could I interrupt you just to state your name?

MS. FERNANDEZ: Yes.

MR. KEATING: Thanks. I need you to state

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your name, if you don't mind.

MS. FERNANDEZ: Oh, I'm sorry, my name is Cyndi Fernandez. And --

MR. KEATING: I'm sorry, I got you off your groove.

MS. FERNANDEZ: I'm nervous, but it's okay, because I'm here because I care about water quality. And I remember the river, the Hillsborough River in the '70s, when I swam in it and fished in it with my family. And I agree, it's not the same river.

I feel a connection to that river, and it's -- it's like a dear friend to me. And that friend is now sick and vulnerable. And as many of our other treasured waters are in the state, I feel that I

want to advocate for their care as -- as I would for a loved one.

I'm standing here now asking the E.P.A. to help me care for my environment by carrying out its mission to protect human health and safeguard the natural environment, the air, water, and land upon which life depends.

The E.P.A. does not exist to protect the agricultural industry or the turf industry or the economy in general; it exists to protect our environment upon which life depends.

Thank you.

MR. KEATING: Thank you for your comment.

Speaker 65. And if speaker 66 and 67 could come up, please.

MR. DEITCHE: Thank you very much. My name is Scott Deitche. I am a water resources project manager with G.P.I. Southeast in Tampa, and I have over 15 years of experience in Tampa Bay in water quality, seagrass, and fisheries.

I'm speaking today on behalf of Eastern Associated Terminals, a fertilizer storage and loading facility on Hillsborough Bay and a long-time member of the Nitrogen Management Consortium.

First of all, thank you for coming to Tampa and extending this public comment period so that appropriate numeric nutrient criteria are developed.

Eastern Terminals supports previous written and oral comments by the consortium regarding the state and federally-approved plan for Tampa Bay and related protective downstream nutrient loading values.

This is a plan that uses -- excuse me. This is a plan that uses scientifically-defensible numbers derived from the combined decades of experience and expertise of scientists who work in the Tampa Bay estuary on a daily basis.

In regards to Eastern Terminals, over the past 15 years, Eastern has voluntarily completed a wide range of projects at their facility at a cost of over 2 million dollars specifically to reduce material loss and nutrient runoff to Hillsborough Bay.

These projects, over a dozen of them, have resulted in significant reductions in the facility's nutrient loadings to Hillsborough Bay. Now, you couple these with projects from other nearby fertilizer handling facilities, and there have been major improvements in Hillsborough Bay over the past decade, as evidenced by not only increased seagrass acreage, but increased water clarity and attainment of chlorophyll a targets set by the estuary program for the past 11 years.

These -- these improvements have not only just occurred in Hillsborough Bay, but across Tampa Bay as well. And contrary to some of the anecdotes you have heard today, the science is clear, the water quality in Tampa Bay has been improving

dramatically.

To that end, we respectfully request that the E.P.A. acknowledge the consortium's nutrient loads as downstream protective loads and the estuarine criteria for Tampa Bay.

Thank you again.

MR. KEATING: Thank you for your comment.

Speaker number 66.

MS. LOVELY: Hi. I'm Sheri Lovely. I'm water quality program manager representing Pinellas County utilities. I want to thank you for the opportunity for you to hear our comments.

I have also lived in the state of Florida for 30 years. In north Pinellas County, we have an advanced secondary barden fall process wastewater reclamation facility that disposes its effluent through a reuse distribution system that falls partially within the Tampa Bay watershed.

It has a total nitrogen allocation as part of the work done by the Tampa Bay Nitrogen Management Consortium. As a participant, we want to thank you for delaying the proclamation of downstream protection values to the time frame when the 2011 estuary and coastal rulemaking will occur and extending the comment period.

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Due to the scientific basis and collaborative efforts that went into the development of the nutrient allocations for Tampa Bay, we urge that E.P.A. accept and recognize the Tampa Bay's Nitrogen Management Consortium's bay segment specific total nitrogen loads as the nutrient loading criteria for Tampa Bay and its watersheds.

Existing loads are appropriate and scientifically defensible. The Tampa Bay Estuary Program's work constitutes a site-specific analysis for that estuary and should be used in the rural development for Florida standards of estuaries.

Another portion of our north Pinellas County water rec- -- wastewater reclamation facility has reuse distribution system that falls in the Coast Springs group waters, okay, this reuse being the only disposal method from that facility, for both places that it goes.

This reclaimed water goes primarily to one golf course with stormwater ponds which, at the ground -- or the golf course outfall will have problems meeting the proposed T.N. criteria of 1.205 milligrams per liter.

Therefore, there is concern regarding potential need for large capital outlay costs if

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the proposed criteria are implemented.

So we're now concerned that reuse is not going to be viewed as a better way to dispose of reclaimed water, which goes against SWFWMD's conservation strategy that has been in place to reduce the use of potable water for irrigation purposes.

Our staff Pinellas County facility is already an advanced wastewater treatment facility. It disposes its effluent by use of reclaimed water and a service water discharge. Basically, the surface

water discharge volume increases with wet weather. It is part of the Springs Coast group coastal waters.

Previously the site used deep well injection for effluent disposal. This was stopped in accordance to a D.E.P. consent order. This facility will also have problems meeting the proposed total nitrogen criteria of 1.205 milligrams per liter without at least 10 million dollars being spent to redo both process trains.

I also want to state that we are in opposition to the use of reference sites as proposed by E.P.A. where numeric nutrient criteria are alone not sufficient. Numeric nutrient criteria need to also

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be supported by appropriate biological indicators.

Our concerns are that funds will need to be used to meet these numeric criteria as proposed, if available in county government, that these funds should be much better spent in truly impaired waters.

Finally, we are looking forward to continuing to work with E.P.A. regarding the current and upcoming coastal and estuarine rulemaking to achieve a reasonable set of criteria that are able to be implemented without significant costs in a time when utilities' monetary reserves are very low or nonexistent, after hundreds of millions of dollars already being spent to build and upgrade the existing facilities and build many, many miles of reclaimed water distribution systems.

Our north Pinellas facility has a 7 million gallon a day average daily flow, has a current operating and maintenance annual budget of 3.25 million dollars. Our south Pinellas County facility, with a 19 to 21 million gallon a day average daily flow, has a current operating maintenance budget of 10 million dollars.

We have had to cut positions. Right now, they are in the process of cutting positions, okay, to

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meet these figures. We have cut them year after year. And we want E.P.A. to make it clear to the right people, other departments in E.P.A., what the monetary situation is.

Thank you.

MR. KING: Thank you.

MR. KEATING: Thank you for your comment.

Number 67. And could number 69 join us at the chairs behind the podium, please.

MS. McLEAN: Good afternoon. My name is Jan McLean, and I'm assistant city attorney for the -- representing the City of Tampa, its mayor, and its administration.

First let me thank you for extending the comment period, adding additional workshops, and for coordinating the proposed downstream protective value for streams discharging to estuaries with the proposed estuarine criteria in your rulemaking process. This is very much appreciated by the City.

The City offered comments at the Orlando workshop and will submit written comments for your

consideration. I offer just a few additional comments today.

As a reminder, the City holds an M.P.D.S. permit for its advanced wastewater treatment plant on Tampa Bay. It also holds an MS-4 permit for its stormwater systems throughout its jurisdiction.

The City of Tampa was an original member of the Tampa Bay Estuary Program and is a major participant in the Nitrogen Management Consortium to which you have had -- heard comments from already today.

The Nitrogen Management Consortium, as you well know, was created to address the then water quality condition of Tampa Bay. And in the time since its creation, acres of seagrass has increased, habitat has expanded, and water quality improvement has been achieved. This has been the result through the voluntary actions and cooperative efforts of over 40 entities to comply with the federally-approved, already-existing T.M.D.L.

The proposed numeric standards create significant concerns for the City of Tampa. For instance, the SPARROW model used to develop the standards is a regional loading model and, therefore, is not appropriate to set concentration standards for any water body. It is a regional model and, therefore, the criteria are too generalized.

You have heard from others today that asserting the financial implications of the proposed standards is a spurious argument from special interests. The City of Tampa is here to say that it whole heartily disagrees with these statements.

The financial implications to the City of the standards is an estimated minimum 340 million dollars, which is another example that demonstrates the inadequacy of the E.P.A.'s economic analysis of the impositions of these standards.

The imposition of these standards do not recognize the local water quality standards and wrongfully creates an unbearable financial liability on the City and its citizens.

Rather, the city supports standards based on defensible scientifically-based methods and the use of tools, which will result in standards to which compliance can be met.

The site-specific alternative criteria offered by the agency will require the City to spend additional hundreds of thousands of dollars to submit to the E.P.A. the current standards for consideration.

Rather, the City respectfully requests that this rulemaking incorporate the chlorophyll a targets and associate -- associated nitrogen loads as site-specific alternative criteria for Tampa Bay.

The City supports and incorporates the comments of the previous statements of the estuary

program, the Nitrogen Management Consortium, Sarasota, Pinellas, Manatee, Pasco, and Hillsborough counties, Plant City, the Florida Stormwater Association, the Tampa Port Authority and the Mosaic Corporation.

Finally, the City would also echo the request and statement of Pinellas County for E.P.A. to evaluate the disconnect between the Clean Water Act and the Clear Air Act as atmospheric deposition can be a significant source of nutrients to water bodies.

Thank you for your consideration.

MR. KEATING: Thank you for your comment. Number 68.

MR. WILSON: Hello, it's Kevin Wilson from Monroe County, the Florida Keys. As I said yesterday to you, Florida Keys have 75,000 residents, and have a totally water, tourist

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dependent economy. We are converting everything to A.W.T. We have no direct discharges.

We have some concerns about the -- about the rulemaking, but we do support the need for -- for strong nutrient rules.

And over the number of years between 2001 and 2009, in cooperation with D.E.P. and a number of other organizations, the Keys developed a reasonable assurance plan, much as many Florida organizations or counties have, and we urge E.P.A. to adopt those, which include numeric criteria for the nutrients.

But that's for coastal water rulemaking next year, and we'll be providing significant detailed comments on that.

On the freshwater rulemaking, I would like to -- to reiterate something that one of my Pinellas County colleagues made, a comment she made earlier about having a minimum criteria for lake sizes.

As I mentioned in earlier comments, we -- we have very limited number of very small lakes or ponds in the county, and they're freshwater. The concern that has been expressed by our -- by our water utility is that the drinking water we supply

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that comes exclusively from mainland is already six times the concentration of some of the phosphate limits that are being proposed for freshwater discharges.

The concern, therefore, is that our consumptive use permits, which require water reuse, may be at risk. And when we bring water in that's already well above the discharge limits, and we have some small ponds in areas where that water is reused after it goes through the A.W.T. plant for irrigation, may run afoul of some limit.

I don't have an answer, I don't have a scientific answer for that, I only urge that we consider what effect that might have on reuse of water, which is something we are all trying to encourage.

Beyond that, we look forward to making further comments on the coastal water.

MR. KING: Just a question. Your reuse water is being discharged into your ponds or holding --

MR. WILSON: No. It's being used for irrigation where there are ponds. And, therefore, as they irrigate in an area where there is a pond, that water can run into the pond.

If that's a small pond, the water -- the water that comes in is six times the level of phosphate, gets -- goes through the wastewater treatment plant, and then gets reused and sprayed on an area where there is a freshwater pond.

We are concerned the rules might apply to that pond and there -- might discourage us from reusing that water, which is just not exactly what we are trying to achieve.

Thank you.

MR. KEATING: Thank you for your comment.

Speaker number 69. And could speaker number 71 join us at the chairs behind the podium, please.

MR. CAMPBELL: Good afternoon, my name is Ted Campbell, I'm the executive director of the Florida Strawberry Growers Association.

Our crop covers an area of nearly 9,000 acres, 90 percent of which is right here in Hillsborough County, and we produce about 18 percent of the domestic strawberry crop.

We are the primary production area during the four winter months of the year, with a farm gate value exceeding 300 million dollars and an economic impact to this area of almost 900 million dollars.

However, these are truly small family farms and businesses, family owned and multiple generations. They average just under 30 acres per farm, and they are often commingled with housing projects.

We represent the largest crop value in Hillsborough County. 40 percent of the agricultural value of Hillsborough County grows on 5 percent of the land.

Others have argued the scientific objections to the nutrient criteria quite well, so I want to focus on the economic considerations. We all support cleanup of the Florida waterways.

However, the strawberry farms currently face many regulatories costs that are spiralling every year. Such burdensome expenses are impossible to pass forward in a market-based pricing system of such a highly-perishable commodity. These costs come directly from our bottom line and severely constrain any chance of profitability.

Now, this winter we had very unfavorable weather conditions and our crop was quite diminished. And we rapidly saw our crop supplanted in retail stores by imports from Mexico. Strawberries are extremely labor intensive, so Mexico has an inherent cost advantage, as well as less restrictions.

As regulatory costs erode our margin, Florida strawberries will succumb to the competitive advantage of the only other country that can

produce this nutritious fruit for the United States during the winter season. The additional costs of E.P.A. water standards to Florida farms is very difficult to absorb.

Strawberry farms are historically good stewards, utilizing 100 percent drip irrigation to dramatically reduce our water consumption over the past decade as our acreage doubled. However, the costly conversion to drip was more driven by the ability to deliver precise nutrients via underground emitters, which ensure greater than 95 percent uptake and virtually zero runoff.

Strawberries are very prone to salt damage, so our stringent best management practices are extremely cautious not to overapply nitrogen, while taking great care not to leach applied root -- nutrients below the root zone. We have done extensive scientific studies with the University of Florida to ensure such precision.

Land is the farmer's greatest capital asset, so we do not abuse natural resources that provide our livelihood. We do not grow during the rainy

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season, to further reduce any possibility of runoff. We are a winter crop.

No one opposes clean water or wildlife habitat. I enjoy the otters, and the eagles, and the lakes around my home as much as anyone who spoke today.

But as a Florida resident, I share our growers' concern over our state's fragile economy. Two of our economic mainstays, construction and tourism, are both suffering. Do not impose standards that are economically and technologically unattainable.

Regardless of how you determine the cost estimates, and I have seen them manipulated upward and downward, the regulation will seriously threaten our state's only growth category, which is agriculture.

Again we all want clean water, but our strawberry industry cannot survive additional expensive -- expensive regulations, our state cannot finance compliance, and our taxpayers are already tapped out and don't know what's coming at them.

Therefore, I join my farmers in questioning E.P.A.'s broad criteria regulations. We need

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prudent standards to avoid economic disaster, and this requires good science and efficient use of our resources.

Thank you for hearing us today.

MR. KING: Mr. Campbell.

MR. CAMPBELL: Yes, sir.

MR. KING: Quick question. What is the specific activity, what is the specific activity on a strawberry farm that it's your understanding would be covered? How do these criteria, how would they be applied to what particular activity at a strawberry farm?

MR. CAMPBELL: Our concern is more the overall costs to the entire state that trickles down to

every resident and every taxpayer here to do cleanup costs.

I think our crop is probably exemplary in terms of all the other crops in Florida, but we are very concerned about overall agriculture in Florida.

MR. KING: If you submit comments, it would help us to understand --

MR. CAMPBELL: All right.

MR. KING: -- what is the particular practice that you believe will be covered and --

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MR. CAMPBELL: I'll include that in our written comments.

MR. KING: Thanks so much.

MR. CAMPBELL: Thank you.

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

Speaker number 70. And could speakers 71 and 72 join us in the chairs behind the podium. Thank you.

MR. FREY: Good evening, my name is Carlos Frey with the City of St. Petersburg. I will keep this very brief here. We are a member of the -- of the Nitrogen Management Consortium, and you have heard in quite detail the efforts we have put forth in -- in the cleanup of the Tampa Bay, and -- and quite successful at that.

So I just want to say that the City of St. Petersburg supports the many comments made today, particularly Pinellas County and by -- those by the estuary program themselves, but -- and as well the other members as well, too.

So we appreciate it. Thank you for your efforts that you've put forth here and for the time you've given us to speak as well as for your considerations that you have given us for the

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comments we have made at the last public hearing. Thank you.

MR. KEATING: Thank you for your comment. Speaker number 71?

MS. HARRELSON: No, I'm 72.

MR. KEATING: Speaker 72.

MS. HARRELSON: Hi. My name is Cathy Harrelson. I'm from St. Petersburg. And just give me a second here.

You know, everybody that comes up here has a niche they have -- they want to carve out. We've got no money, strawberry crop, sugar crop, utilities are spending millions. And, you know, I live in Pinellas County, I have worked -- worked a lot with the County, they have done a fantastic job, and they are spending millions, and we don't have millions.

But carve a niche, make an exception here. What are we here for? I mean, we've been doing that for years. It's never going to get cheaper than it is today.

To set standards that everyone -- you're not going to be able to make an exception to every single person that steps up here. What we need to think about is, if all of our treatment and all of

sound science is so good and everything we're doing is so wonderful, why do we still have dirty water?

You know, I mean, let's -- let's just look at this. In Florida, our environment is our economy. Florida brings in 65 billion dollars a year in tourist revenue and it's the world's largest commercial fishery. Those are big numbers. Those are important numbers.

Strong numerical standards aren't a burden, but rather, carve out a level playing field for agriculture, for business, for recreation, fishing, for investment.

If we don't set accountability -- accountable targets, people can't invest, because you don't know what your numbers are, you don't know what your timelines are. We've got to know what kind of a future we want for our children, and that's really what we're deciding here.

And to continue to say, well, we've got this problem and that problem, God, you know, we've all got problems. Florida is broke. St. Pete is broke. Pinellas County is broke. I mean, you know get in line.

But that's -- if we had done this 12 years ago, when this thing was first sent out as a

decree, look how much cheaper it would have been. Then we would be standing here going, "Well, I'm sure glad we made that decision and did that back then." But, you know, this is what happens.

And change is always hard, and it's very often expensive. But again, it will never get any cheaper that it is today.

Our local government in Pinellas County and other gulf coast communities have worked really hard to put ordinances in place to reduce the impact of nitrogen runoff from residential fertilizer, because that's a big problem we have there, it's not ag, it's residential fertilizer.

What it takes is not just -- I mean, you set the numbers and you set the targets and then you work within the communities to find ways to live sustainably.

Sustainability isn't just a word that we throw around anymore, it is a word we really need to get a grip on. And I would hope that everybody in this room gets that.

Sustainability isn't just about environment, it's about economy, it's about jobs, it's about the future, it's about water and air, it's about everything that we all agree as a society is

important, has value, and is something we all need and we want to pass on to our children.

So, you know, I know you've got your businesses. Nobody wants anybody to go out of business or lose a job, that's for sure. But this -- we have to set a higher standard here. Florida is struggling. Our water is dirty. We need to clean it up.

Thanks very much.

MR. KEATING: Thank you for your comment.

We'll take two more comments and then we will have to break, unfortunately, to the evening session. And so we certainly invite everyone to come back.

When we start up at 6:00, we'll launch right into the comments without, you know, extended introductions and all that sort of stuff.

Speaker 73, correct?

MR. ROTH: 3.

MR. KEATING: Thank you, sir.

MR. ROTH: 73. Good afternoon, my name is Rick Roth, I'm a farmer in Palm Beach County, and I am -- today I am representing the Farm Bureau, I'm the vice president of Florida Farm Bureau.

In August of 2008, the subprime mortgage

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meltdown exploded into a worldwide economic recession. And is economy going to recover this year? Most people think not.

Greece is on the verge of bankruptcy because its debt exceeded its gross domestic product. Excluding off-budget items like Social Security and Medicare, the United States debt is 64 percent of our gross domestic product. If we continue down this path, we could be bankrupt by 2020.

However, economic factors have not stopped regulators from kowtowing to environmental activists. In August of 2009, the E.P.A. entered into a consent decree with environmental groups led by the Florida Wildlife Federation.

In response, the Florida Department of Environmental Protection suspended its process for establishing numeric water quality criterion. And during the past decade, they have spent over 20 million dollars to fully understand nutrient pollution and control.

Florida is a national leader when it comes to water quality data, and D.E.P. was well into the process of working with regulated entities to set limits on nutrient loading to waters of the state. Standards are being met as a result of best

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management practices voluntarily agreed to by those being regulated, and D.E.P. has shared this success with E.P.A.

Now, there are some serious disagreements between E.P.A.'s data and modeling approach and that of D.E.P. Some are estimating that the costs could be as high as 70 billion dollars in an attempt to meet these new stringent standards or these proposed standards.

This proposed rule has the potential to increase each Florida household's water bill by $700 per year. Now, Floridians we say cannot afford another tax from Washington by the way of regulation in this time of double-digit unemployment, especially since the proposed criteria is unnecessary to protect the biological health of the water bodies, are technically unachievable, and could create expensive, unintended consequences.

To recap, environmental groups sued E.P.A. to force Floridians to spend unknown millions of

dollars in an attempt to meet unachievable standards.

I might ascertain that the biggest challenge facing mankind today is this: We must continue to develop new technology to feed a growing population of 6 billion plus people with limited resources while protecting the environment and creating jobs.

How about a real-world solution? Let's look at a South Florida environmental success story. I farm in Palm Beach County in the Everglades agriculture area.

Under the Everglades Forever Act, which was passed in 1994, the growers are mandated to reduce their phosphorus runoff, their annual discharge of phosphorus runoff by 25 percent per year. And for 15 years, the farmers have reduced their discharge by over 50 percent each year.

Why is this program successful? The following reasons. Four years of scientific research by the agricultural industry prior to implementation. The regulated industry and the regulator worked together to develop a matrix of options for each grower to implement to be in compliance.

Third, mandatory agricultural privilege tax included tax credits for meeting and exceeding reduction goals. Fourth, the industry was regulated as a total basin, which gives the farmers more choices for their -- for their crop production.

Again, this program is successful because it is incentive based, relies on site-specific, scientifically-based solution, and the goals are cost effective and achievable.

In contrast, the E.P.A. basic reference sites approach is fundamentally flawed. We cannot take water from a pristine stream or river and apply it to a canal.

Specifically, we cannot start with groundwater in the water conservation area 3A in South Florida that is being discharged into Biscayne Bay, measure the nutrients, then use a simple mathematical equation to set water quality standards in the E.P.A. -- in the E.A.A. Different soil type, different biology dictate different standards.

Given that 80 percent of the pristine water bodies do not meet the proposed criteria, let the state of Florida set its own site-specific criteria for each individual water body and each region. As we all know, one size does not fit all.

Thank you.

MR. KEATING: Thank you for your comments. Speaker number 74.

MR. ROTH: Can I give you a copy?

MR. KEATING: Sure.

MR. KING: Yeah, thanks.

MS. McMILLAN: Hi, my name is Susan McMillan, and I am a small business owner and a mother of three. And I am certainly not a scientist or a economist, but I'm just here to tell you my experience with Florida water as a citizen living

here.
I took my daughter, we were on our way to pick some vegetables in an organic farm, and we passed by a pond on the way there, and there was a mother duck and a father duck and two little babies, you know how cute they are, how fluffy. I don't know what happened to the other six of them.
But they were swimming in a -- looked like a bright green carpet. And it was gunky, and they could barely move. And my daughter asked me what it was, and I told her that it was an algae bloom. And she said, "Oh, a bloom. How pretty."
And I started to think about how I used to associate the word "bloom" with life and with earth and with nature, and now when I associate it with algae blooms, I think about the death and destruction that I've seen associated with that here in Florida, from fish kills that had to be bulldozed away and carried away in barrels because

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there were so many of them, to dead sea turtles, dolphins and manatees that mysteriously wash up on the shore, just the quality of life that -- a death of a way of life here in Florida.
My husband was born and raised here and he tells me, as you have heard from other people, being able to swim and fish in the rivers. And he even -- more was an avid fisherman.
He has some lakes in Sarasota and Manatee counties that he used to take my oldest son to. And they don't go anymore, because the trips that they used to anticipate, they would come more and more disappointed.
Those same lakes now that were once bountiful are now just green scum. He showed me one the other day. It's just a lake of scum. And there used to be fish in it.
We used to go to the Harrington House on Anna Maria Island. And we stopped doing that, I think 2005 was the last year. Three times in a row that we went there, the red tide was so bad that we didn't rent any bikes, we didn't rent any canoes, we didn't sit on the beach and drink daiquiris, we didn't even walk around; we coughed and came home.
So these are a couple of the things that I

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have seen.
I live -- I try to walk the walk. I have a photovoltaic system on my house, I drive a hybrid car and another one that runs on bio diesel. We live near the Little Manatee River, and I always imagined that my children would play in that river.
Not only are there no fish in it, but I don't even want them to go in it, and I don't really even know how to explain why when they -- when they ask me these questions.
When it rains and my -- my daughter, she is six, she says, "Oh, you know, there -- when it rains, it's watering all of the flowers and plants, and that's a good thing."
But I know that it's also a bad thing because it's washing all those nutrients into our -- into our bay and into the streams and contributing to

the mysteriously-dead dolphins and manatees and fish kills that we have. So I also accompany the thought of rain showers with the feeling of dread now, being here in Florida.

I think that it's a false argument to talk about the economy and jobs versus a clean environment. I think we just need to get away from that whole argument and start looking at that we have to do both.

I run a business. There is regulations that get put on me, they cost me money, but I understand that that's the way it is when you run a business. And I am going to have to cut down somewhere else to make it work, and that's how we have to be.

You know, it's not -- these rivers and our waterways are not just contained to a farmer's yard or Mosaic's yard; it's all of us, we all share it. And so they have a responsibility, even if it costs them more, to take care of it for the rest of us.

I would also like to note that when I saw those union workers here, I support them and I want them to keep their jobs, but they also deserve to have children who have clean water and a quality of life.

When Lisa Jackson took over the E.P.A., I heard her give her -- a speech where she said that E.P.A. is back on the job. And I have been really sad over the last eight years to see what's happened to some degree with the science that E.P.A. was using or not using.

And so I really hope that she is back on the job. I trust you guys to use sound science in this decision and to remember what you're here for. The -- the economists and the farmers and -- they -- everyone has their own interest to protect, and you're the only agency that we have to protect our interests.

And our legislature in Florida is not looking out for the peoples' interest, they are mostly owned by developers, they jury rig the maps so our districts look like S's and Q's and R's, and so they're not listening to us. So we're depending on you.

So I would ask you to help protect our water and to remember what you are here for.

MR. KING: Thank you.

MR. KEATING: Thank you for your comments.

And at this point, we are going to have to suspend the afternoon session. And we will pick up at 6 o'clock p.m. And that will be the start of the time for the evening session, but what we're going to do is if there are any speakers left over who did not get a chance with the time allowed for the afternoon session, we will start right back up beginning with speaker number 75 and go through till we finish all the speakers left over from the afternoon session.

As they tell me frequently on my commuter train in Washington, we certainly thank you for your patience, and we regret any inconvenience.

(Recessed at 5:12 p.m.)

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REPORTER'S CERTIFICATE

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, NANCY E. PAULSEN, CRR, RPR, FPR, certify that I was authorized to and did stenographically report the foregoing proceedings, and that the transcript is a true and complete record of my stenographic notes

Dated this 21st day of April, 2010.

_____
NANCY E. PAULSEN, CRR, RPR, FPR