



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

**JUN 07 2010**

Michael Sole  
Secretary  
Florida Department of Environmental Protection  
3900 Commonwealth Boulevard, M.S. 10  
Tallahassee, Florida 32399

OFFICE OF  
WATER

Dear Secretary Sole,

I would like to acknowledge the excellent ongoing and productive collaboration between Florida's Department of Environmental Protection (FDEP) and the Environmental Protection Agency (EPA) to develop nutrient criteria for Florida inland waters. EPA believes that the development and adoption of numeric nutrient criteria is a key step toward restoring and protecting the quality of waters in the United States. Both EPA and FDEP have the same goal of ensuring the criteria developed are firmly based in sound science and use the best available data appropriately to protect aquatic ecosystems in Florida's many thousands of rivers, streams, and canals from alteration by excess nutrients. Excessive nutrients in the surface waters pose a complex environmental challenge. Our engagement in this effort is based on the mutual understanding that efforts to meet this challenge cannot succeed unless we work together.

Following up on my letter to you of March 17, 2010, I would like to convey EPA's decision to send the data and methods used to develop numeric nutrient criteria for Florida's coastal and estuarine systems to the Science Advisory Board (SAB) for an independent public peer review. EPA continues to be committed to using the best available science and a transparent process in developing these criteria. Our staffs have discussed on several occasions different options for an independent peer review process. I believe the SAB public independent peer review approach best allows for a full review of the methodologies and data and provides an opportunity for the public to comment. We have also contacted the parties to the Florida Wildlife Federation consent decree regarding this approach. They have indicated that they believe reliance on a full SAB peer review process is fully responsive to the interests and comments of all stakeholders engaged in this rulemaking process. Therefore, with their agreement, we are extending the coastal rulemaking schedule by 10 months to propose nutrient standards for estuarine and coastal waters, downstream protection values in streams to protect those waters, and criteria for inland waters in the south Florida region (including canals).

In August 2009, EPA entered into a consent decree with Florida Wildlife Federation, committing to propose numeric nutrient standards for lakes and flowing waters in Florida by January 2010. The underlying data and methodology supporting the

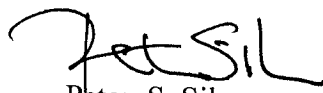
rule proposed in January for lakes and flowing waters has undergone independent peer review and is on schedule to be finalized in October of 2010. The decree required EPA to propose numeric criteria for Florida estuarine and coastal waters in January 2011 and to finalize those criteria by October of that year. The extension of the deadline for proposal will allow EPA to initiate an SAB review in October 2010 of the data and methods that will be used in developing criteria for estuarine and coastal waters, downstream protection values in streams to protect those waters, and criteria for inland waters in the south Florida region (including canals). EPA will consider public comments and incorporate the SAB's recommendations in developing a proposal and will finalize the criteria by August, 2012.

EPA's scientists and technical experts have worked closely with the Florida Department of Environmental Protection scientists in developing proposed numeric nutrient standards and relied extensively on the State's substantial monitoring data and local expertise. Since proposal of a nutrients rule to protect freshwaters this past January, this joint and collaborative work has intensified at both management and scientific levels. Scientists from both FDEP and EPA held regular bi-weekly conference calls to share analysis and information. Over the past year there have been at least 6 face-to-face meetings in which experts from both of our offices have shared their analyses and insights. Senior managers from FDEP and EPA communicate regularly on issues that arise and have made several trips to Tallahassee for meetings. EPA has provided hundreds of hours of scientific staff time and thousands of dollars of expert contractor resources to explore ideas suggested by FDEP scientists, analyzing data and using new models. In addition, EPA held public hearings on our proposed numeric standards for the State in February in Tallahassee, Orlando, and West Palm Beach and, again, in April in Fort Myers, Tampa, and Jacksonville. Over 1500 citizens attended these public meetings.

EPA appreciates the continued feedback and engagement from the Florida Department of Environmental Protection as well as the comments and concerns expressed to us by Florida citizens. As a result of the comment period, EPA has received more than 22,000 comments, with over 20,000 in support of numeric nutrient standards for the State. In the end, the result of this extensive collaboration will be to improve the scientific underpinning of the numeric nutrient criteria as well as to enhance the overall transparency of the process.

I want to thank you and the staff at FDEP for your continued efforts and collaboration in this process. We share important goals and a commitment to protect Florida waters through application of the best available science. We look forward to continued collaboration in deriving numeric nutrient criteria with a sound scientific basis.

Sincerely,



Peter S. Silva  
Assistant Administrator