

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
NEWS RELEASE**

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Statement from DEP Secretary Michael W. Sole Regarding EPA Settlement with Earth Justice on Nutrient Criteria Development :

- The United States Environmental Protection Agency (EPA) signed a settlement agreement setting a firm schedule to federally propose and promulgate numeric nutrient criteria in the State of Florida. In light of that decision to independently propose numeric criteria for Florida's waters, the Florida Department of Environmental Protection (DEP) is considering whether it would be prudent to continue its own rulemaking efforts on the issue.
- Over the last 10 years, Florida has invested thousands of staff hours in development of numeric nutrient criteria, and throughout the last year we have moved aggressively to analyze the massive amount of nutrient and biological data available for Florida waters. Alone, Florida accounts for 30 percent of the national water quality dataset far surpassing any other state in the nation. Our efforts have focused on appropriately addressing the complexity of Florida's ecosystems and coinciding with the intent, schedule and guidance provided from EPA.
- Florida has made a tremendous investment to collect and analyze the data necessary to define how nutrient enrichment affects the biological health of our surface waters. To ensure that there is no duplication of work, we will continue to work with EPA in the same manner they have worked with us as they develop the criteria. We look forward to EPA presenting its criteria to both DEP and the stakeholders of Florida.

BACKGROUND

On January 14th, 2009, EPA made a determination that numeric nutrient criteria were necessary in the state of Florida. DEP agreed that development of the criteria was necessary and committed to partnering with EPA to make the necessary investments to derive protective criteria for State waters. The determination established a one-year deadline for EPA to propose criteria for streams and lakes, and a two year deadline for EPA to propose criteria for estuaries and coastal waters. On Wednesday, August 19, 2009 the United States Environmental Protection Agency (EPA) signed a consent decree with Earthjustice establishing a deadline of promulgating criteria nine months after the criteria are proposed.

Working with the state's Nutrient Technical Advisory Committee, DEP proposed draft rules with criteria for streams and lakes in June 2009 and held two public workshops to discuss the draft rules. For information on those rules, please visit our website at <http://www.dep.state.fl.us/water/wqssp/nutrients/>

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