

Numeric Nutrient Criteria In Florida



David Guest



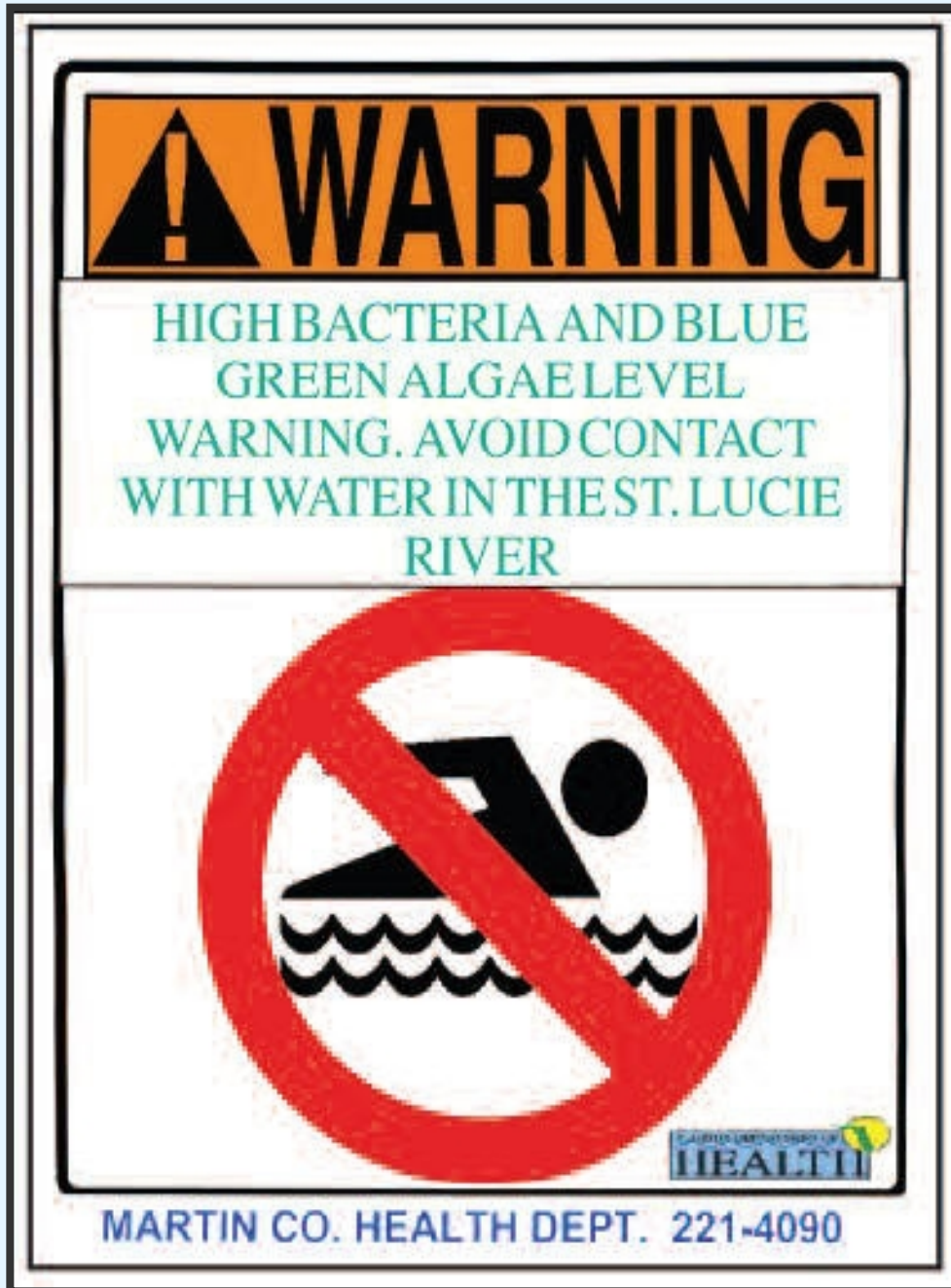
EARTHJUSTICE
Because the earth needs a good lawyer

2005 Massive Algae Outbreak





Algae Was Extremely Toxic



Human
Contact With
St. Lucie River
Was Unsafe

Takings Case Against The Corps Of Engineers



United States Court Of Claims





Case Barred
By
Statute
Of
Limitations

Toxic Algae Is A Problem Throughout Florida



Toxic Algae Poisons Drinking Water



Algae Bloom Came From Lake Okeechobee



Toxic Algae In The Little Wekiva River



Toll-free AQUATIC TOXINS HOTLINE
1-888-232-8635



University of Miami School of Medicine
Poison Control Information Center

Algae Outbreaks Destroy Property Values



Visit Florida?



Red Tide Bloom Approaching Little Gasparilla Island

Tourism Is Essential To Florida's Economy



Florida's Narrative Standard: Green Slime = Too Much Nutrients



Co-operative Federalism: EPA Oversees Clean Water Act Implementation By States



Clean Water Act Citizen Suit:

- 1998 EPA Clean Water Action Plan = Determination That Numeric Nutrient Criteria are “Necessary”
- Florida DEP Nine Years Late on Developing Numeric Limits On Sewage, Fertilizer, And Manure Pollution
- EPA’s “Necessity” Determination Triggers a “Mandatory” Duty to Promptly Establish Numeric Nutrient Criteria

January 14, 2009 Determination



Ben Grumbles, EPA
Assistant Administrator
For Water In Bush
Administration

Narrative Standard
Is Ineffective

Numeric Limits
Needed In Florida

Florida DEP Secretary Endorsed Bush EPA's Determination



***“The new numeric
water quality
standards will help
Florida...”***

January 16, 2009 Press
Release

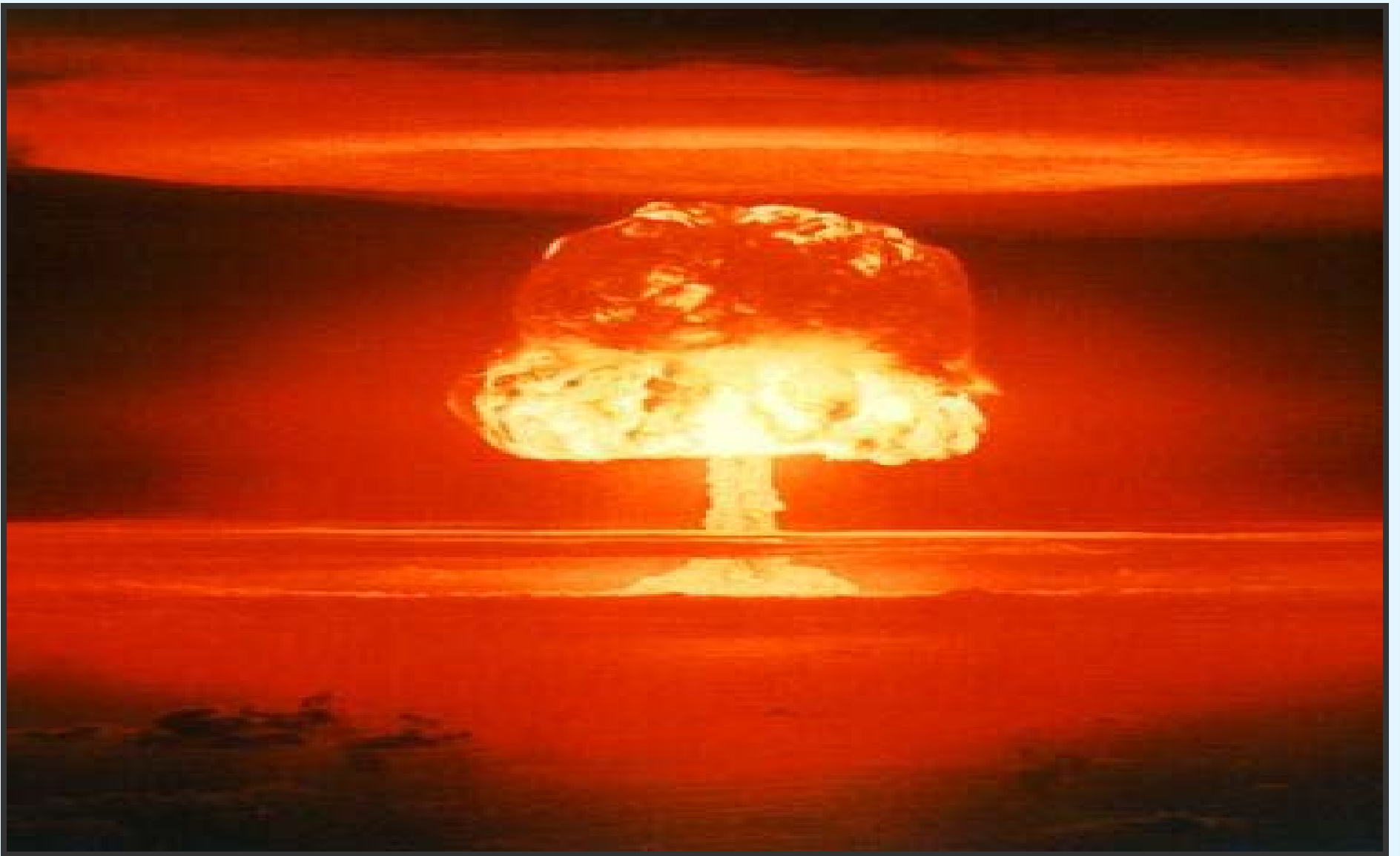
August 2009 Settlement



If DEP Can't Beat The Problem In 15 Months – EPA Will Need To Step In



Reaction To The Proposed Consent Decree



2009 DEP Proposed Nitrogen And Phosphorus Limits for Dark Tannin Lakes



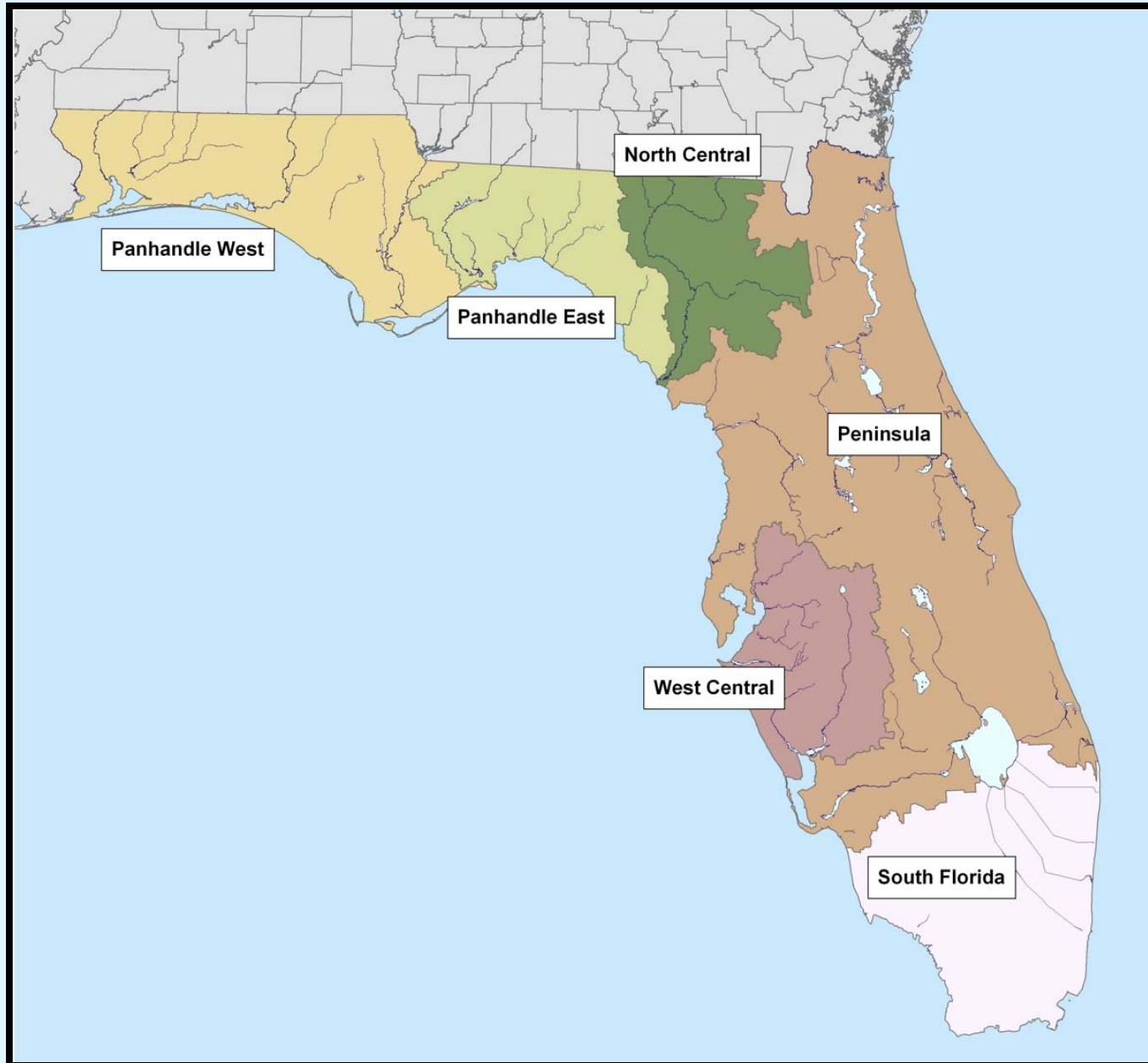
2009 DEP Proposed Limits For Clear Lakes



2009 DEP Proposed Limits for Streams



DEP's 2009 Watershed Regions For Streams



2009 DEP Proposed Limits for Springs



© William Garvin

Water Quality Standards Apply To The Water Body



© Bill Hemmel
LakesRegionAerials.com

Effluent Limits Apply At End Of Pipe



Summer 2009: DEP Balked Under Pressure From Polluting Industries



So EPA Adopted DEP's 2009 Proposed Rule



Some Industries Were Not Satisfied



Florida's Economy Killed 1845 - 2010

Washington water tax rings death knell for Florida's jobs



Florida, USA

Businesses, employers, working families and the unemployed all over Florida are in mourning today after Florida's economy was dealt a fatal blow by unfair, unreasonable and unscientific water standards imposed by the federal EPA.

On Jan. 15, the EPA struck directly at the heart of Florida by imposing unreasonable new water regulations that will choke off the state's economic blood supply, by forcing businesses to cut jobs and increase the price of utilities, food and other necessities for employers, working families and consumers.

The deadly regulations, which have been driven by litigants and bureaucrats working behind closed doors rather than openly through the people's elected representatives, represent a hit only on Florida and to no

other state because of the tens of billions of dollars that will be sapped from the economic lungs of the Sunshine State.

Funeral services will be held at 10 a.m. today at the Tampa Airport Marriott.

A native of Florida, the economy loved paying wages and building homes for Florida families. Before its untimely demise, it had recently suffered a severe illness, losing 11.8 percent of its employment. But the killing blow was delivered by faceless bureaucrats in Washington, whose callous disregard for the state's working families, unemployed, businesses and future creates a mourning pool of 19 million people.

In lieu of flowers, please write President Obama and Florida's Congressional delegation and urge them to protect jobs, revive Florida's economy and stop the EPA's multi-billion-dollar assault on our state.



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Lake Worth Drainage District



Reverse Osmosis For All Discharges?

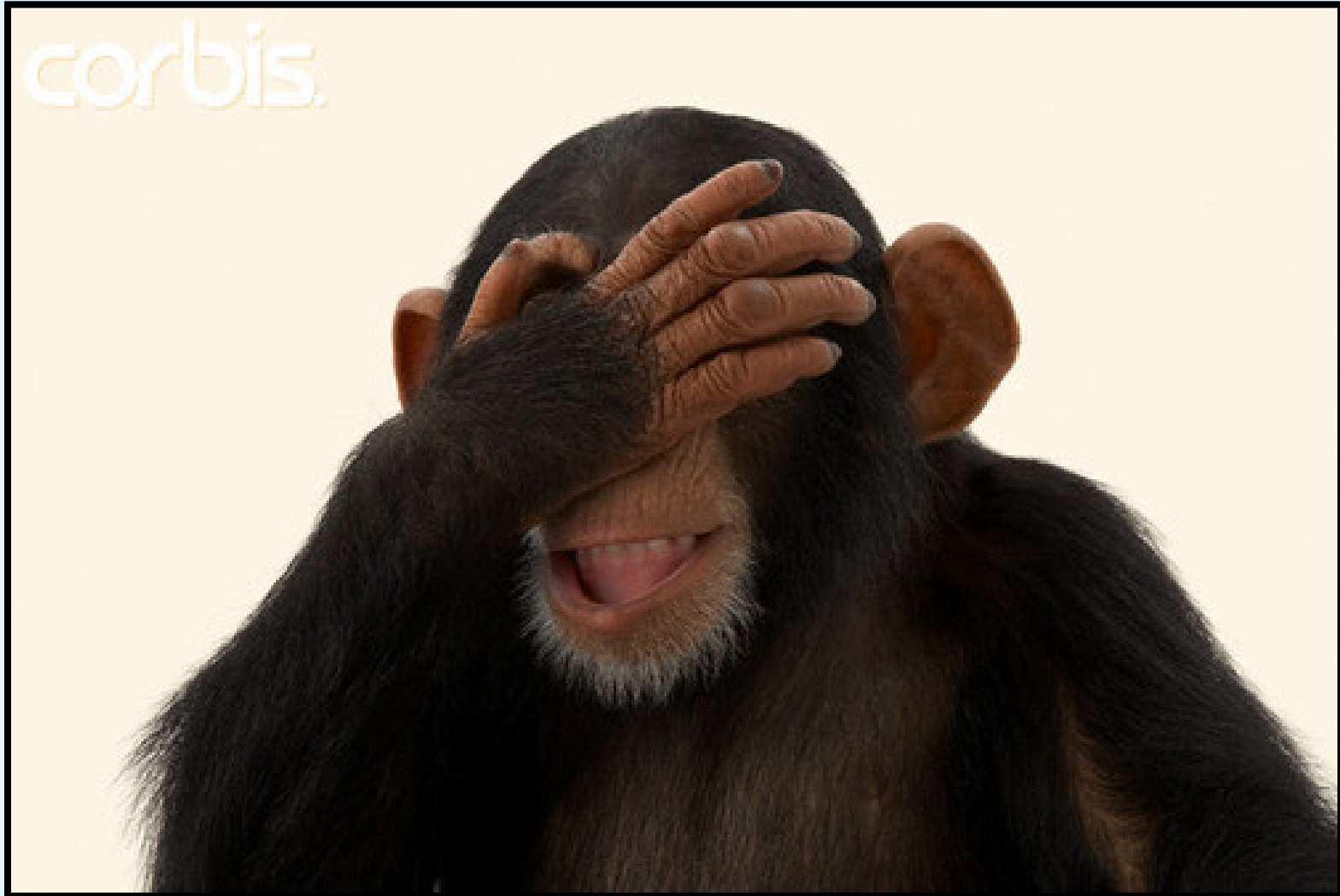


Legal Challenges To EPA's Rules

1. Federal
Takeover Of
State's Right To
Set Pollution
Limits



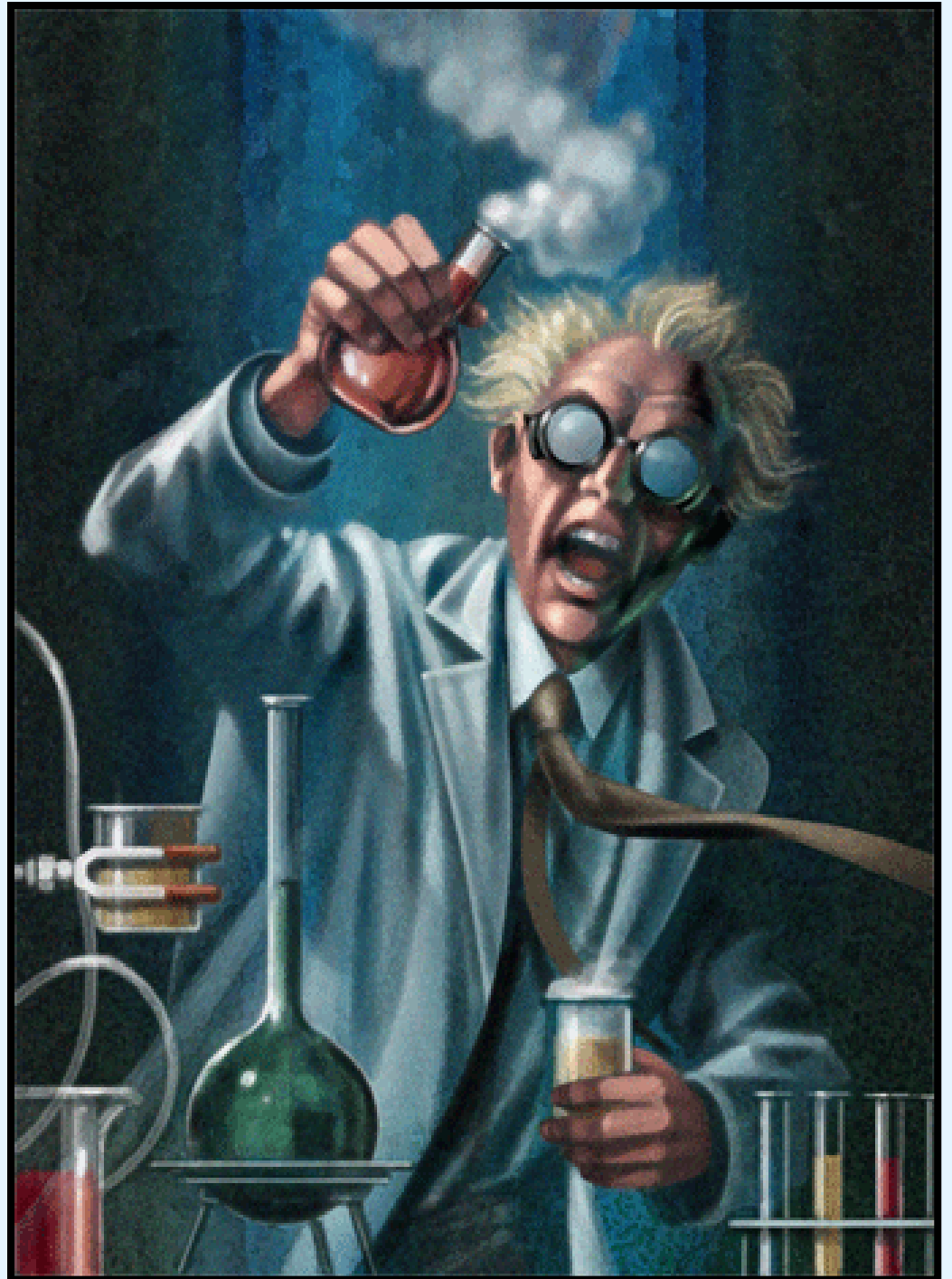
2. EPA's Determination Of Necessity Did Not Consider Crucial Information



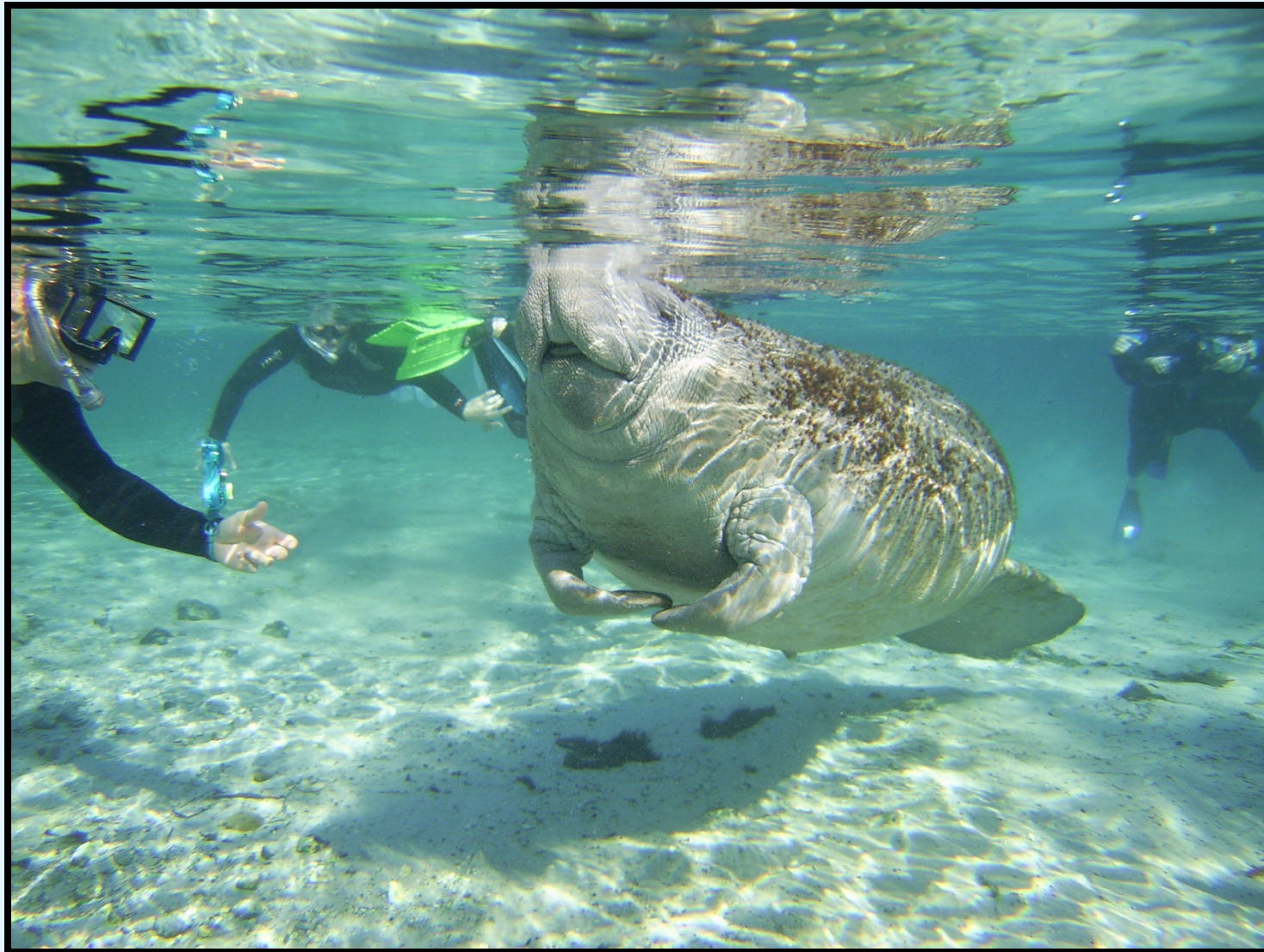


3. EPA's
Rule Is A
"One Size Fits All"
Standard

4. EPA's
Science
Is
Wrong



5. The Problem Is Already Solved Through The TMDL Program



Polluting Industries Sought A Budget Rider



DEP Recently Proposed An Extremely Complex Nutrients Rule



Conservationists Challenged Both – DEP Rules Won't Stop Toxic Algae



Polluting Industries Intervened To Defend DEP's Rule



The Case Is Under Advisement



Federal Rule Upheld – Will Take Effect Unless A Valid DEP Rule Is Approved



Florida's Waters: Are We Joining The Developing World?



COMMON SENSE

3722



2753

73000

12/00 THRU

81

XA

B. SMART

2812

Don't leave home without it.