



NUMERIC NUTRIENT CRITERIA IN THE STATE OF FLORIDA

Status and Meaning of November 30, 2012
Action by EPA

Summary: On November 30, 2012, the U.S. Environmental Protection Agency (EPA) approved State standards for the prevention of nutrient pollution in Florida's waterways applicable to 100% of Florida's rivers, streams, lakes and to estuaries from Tampa Bay to Biscayne Bay, including the Florida Keys. These standards are called numeric nutrient criteria (NNC) and establish levels for nitrogen and phosphorus as well as biological conditions that must be met to protect healthy waterways.

Simultaneously, EPA proposed draft federal NNC pursuant to a federal consent decree for waters not yet covered by State rules which include:

- Remaining estuaries;
- Open ocean waters;
- The location where South Florida canals enter estuaries;
- Scientifically challenging areas like tidal creeks, headwaters that are dry for portions of the year (excluding drought conditions), and managed water conveyances.

As part of the November 30 action, EPA also amended its previous January 2009 determination concluding that the Department's rules provided sufficient quantitative procedures upstream to ensure the protection of water quality standards in downstream waters as required by the Clean Water Act.

At this time, the only NNC that have taken full effect are the estuaries located in south Florida. The effective dates of the remainder of the Florida and EPA rules vary. In the interim, applicable narrative goals contained in State rules continue to apply to these waters, as well as any established restoration goals in the form of Total Maximum Daily Loads.

The Department is continuing its development of criteria for the rest of the estuaries in the State. In November 2012, in advance of the 2013 deadline in our rules, the Department adopted NNC for additional estuaries, expanding coverage to 72% of our estuaries. The Department has committed to adopting criteria for the remaining estuaries in 2015 after data collection and analysis. These will require EPA approval.

The Department will quickly review EPA's proposed rules and consider how information or proposed approaches can be folded into State adopted water quality criteria. Both EPA and the Department have committed to working together quickly to identify necessary State actions that would eliminate the need for more federal rules to be set and enable the withdrawal of federal rules promulgated in 2010.