



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

MAR 17 2010

**OFFICE OF
WATER**

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

Dear Secretary Sole:

The U.S. Environmental Protection Agency (EPA) appreciates the continued feedback and perspectives expressed by the Florida Department of Environmental Protection (FDEP), and the comments and concerns expressed to us by Florida citizens at the recent public hearings with regard to the January proposed Water Quality Standards Rule for nutrients in Florida's lakes and flowing waters. I want to take this opportunity to communicate two key decisions the Agency has made as we move forward in the process to ensure protective numeric water quality criteria are in place for springs, lakes, and flowing waters this year, and estuaries and coastal waters next year.

First, the Agency has decided to delay finalizing promulgation of the "downstream protection values," or DPVs with respect to downstream estuary protection and to address this issue in the 2011 estuary and coastal rulemaking. The DPVs are specific stream concentrations that were proposed to assure the maintenance and protection of water quality standards in downstream estuaries. EPA used the USGS SPARROW model as a technical foundation for the proposed values. In the January proposal, EPA indicated that it planned to finalize the DPVs as part of the 2011 estuaries and coastal rulemaking, but retained the option to go final in 2010. The Agency is now committed to fold this aspect of establishing protective water quality criteria into the 2011 rulemaking. As we indicated in the January proposal, this will facilitate coordination with the development of proposed estuarine and coastal water quality criteria. Any DPVs that EPA proposes in January 2011 will also be subject to review and public comment as part of that rulemaking process.

Second, EPA will seek additional third party review of the scientific basis for water quality standards to protect downstream estuarine and coastal waters. We commit to consult with FDEP on the scope of third party review and will announce in early April the specific plans for that review. We will work together with Florida DEP to ensure we have the best science and analyses to support developing water quality standards to protect downstream estuarine and coastal waters.



I want to thank you and the staff at DEP for your continued efforts and engagement in the process. We share important goals and a commitment to restore and maintain Florida waters through application of the best available science.

Sincerely,



Peter S. Silva

Assistant Administrator