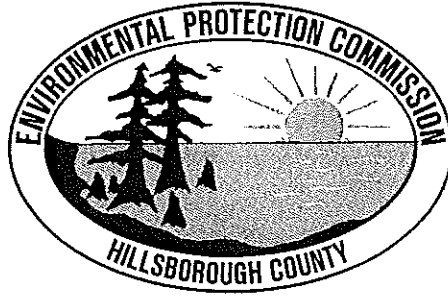


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Air 627-2660 Lab 272-5157

Executive Director
Richard D. Garrity, Ph.D.

March 17, 2010

Docket Id. No. EPA-HQ-OW-2009-0596.

Water Docket, U.S.
Environmental Protection Agency, Mail
Code: 2822T, 1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Attention: Docket ID No. EPA-HQ-OW-2009-0596.

To Whom It May Concern:

As requested by the EPA in the proposed water quality standards for the State of Florida's lakes and flowing waters (Docket: EPA-HQ-OW-2009-0596), the Environmental Protection Commission (EPC) of Hillsborough County is providing feedback on appropriate nutrient loads that should be used as the numeric nutrient criteria for the Tampa Bay estuary.


The Environmental Protection Commission (EPC) of Hillsborough County was created in 1967 by special act of the Florida Legislature to control and regulate activities which are or may reasonably be expected to cause pollution or contamination of air, water, soil and property, or cause excessive and unnecessary noise in Hillsborough County.

Accordingly, the EPC has been actively engaged in efforts to mitigate excessive nutrient pollution in the surface waters of Hillsborough County including Tampa Bay. The EPC maintains a robust environmental monitoring program that includes both comprehensive water quality and biological monitoring. Our water quality monitoring program was initiated in 1974 and conducts monthly sampling at more than 100 locations throughout Hillsborough County and Tampa Bay for a broad array of water quality parameters including chlorophyll *a* and a full suite of nitrogen and phosphorus species. This long term data record has proven to be an invaluable management tool - from the stand point of identifying "hot spots and remediation needs to verify the effectiveness of management activities, i.e. advanced waste treatment at all domestic waste water facilities that discharge to surface waters - in our local community's efforts to protect our environmental resources. The data record clearly demonstrates a substantial reduction in the stressor-response relationship between phytoplankton and the reduced nutrient loading that has taken place in the past twenty-five years in the Tampa Bay watershed.

The EPC is also a full and active partner to the Tampa Bay Estuary Program (TBEP) and the Tampa Bay Nitrogen Management Consortium (NMC). The partners of these groups have worked collaboratively to develop a comprehensive nutrient management plan. The Tampa Bay Nitrogen Management Consortium's adopted nutrient management strategy is incorporated in the Tampa Bay Reasonable Assurance Plan (the document has already been submitted to this docket).

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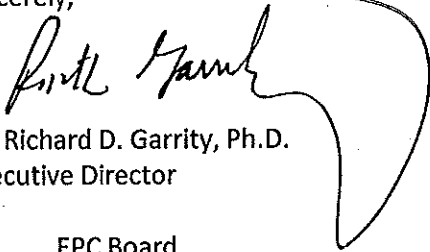
The EPC's water quality monitoring data has provided the essential data necessary to the development a sound, scientific process and technically defensible basis for protecting Tampa Bay. The EPC fully concurs with the technical findings of the adopted nutrient management strategy that existing TN and TP loads to Tampa Bay are correct and appropriate to support full aquatic life protection and designated uses. At the present level, TN and TP loads to Tampa Bay provide an appropriate balance of adequate water clarity for healthy and expanding seagrass beds, and adequate phytoplankton production to support the bay's fish and wildlife populations.

The position of EPC is that the nutrient loads approved by EPA and FDEP as regulatory goals for Tampa Bay are more appropriate than EPA's draft downstream protective values for the Tampa Bay estuary. These approved nutrient loads provide for the full aquatic life protection and support for all designated uses in the estuary as put forth in the Clean Water Act. Furthermore, we think that a more prudent approach by EPA is to finalize the downstream protective values for flowing waters in the Tampa Bay watershed as part of the second phase of this rulemaking process. The downstream protective values should be developed in coordination with the proposal and finalization of numeric criteria for estuarine and coastal waters that is anticipated to occur in 2011.

In addition to meeting established water quality targets, Tampa Bay is currently maintaining full aquatic life protection and uses as evidenced by the maintenance and expansion of healthy seagrass beds, the estuarine-dependent fauna that inhabit them, and the critical phytoplankton-based food web. As proposed, EPA's draft approach for determining protective loads to downstream estuaries, i.e. Tampa Bay, does not take into account the existing condition of the downstream water. Our view is that nutrient loading is adequately addressed in existing bay strategies as outlined herein and that we must not direct scarce resources away from more environmentally beneficial activities where true nutrient impairments exist.

We request EPA consider and accept this technically rational alternative nutrient criteria for Tampa Bay, that in our judgment, more properly addresses protection of downstream water quality to fully attain and maintain the State's designated uses in the Tampa Bay estuary.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Garrity". The signature is written in a cursive style and is enclosed within a large, hand-drawn loop that extends to the right and then curves back up and left towards the word "Sincerely,".

Dr. Richard D. Garrity, Ph.D.
Executive Director

Cc: EPC Board
Richard Tschantz, Esq.
Christopher Dunn
Richard Boler