

Michael W. Sole
Secretary
Florida Department of Environmental Protection
Marjory Stoneman Douglas Building, MS-10
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

Dear Mr. Sole:

The U.S. Environmental Protection Agency (EPA) has completed its review of amendments to chapter 62-303, Florida Administrative Code (F.A.C.). These amendments were adopted by the State on September 28, 2006, December 5, 2006, and June 28, 2007, and submitted for EPA review by letter dated September 14, 2007, from Thomas M. Beason, General Counsel, Florida Department of Environmental Protection (FDEP), to James Palmer, Regional Administrator, EPA Region 4. The letter submitting the amendments included a certification that the “enclosed amendments to chapter 62-303, Florida Administrative Code, were duly adopted pursuant to state law.”

EPA is approving provisions of chapter 62-303, F.A.C., that have been determined by EPA to be new or revised water quality standards for the State. EPA has determined that these new and revised water quality standards are consistent with 40 C.F.R. Part 131 and the Clean Water Act. The enclosed document, “United States Environmental Protection Agency Determination Upon Review of Amended Florida Administrative Code Chapter 62-303, Identification of Impaired Surface Waters” contains a listing of the specific provisions that EPA has determined to be new and revised standards for the State and the rationale that serves as the basis of EPA’s approval of these provisions.

EPA’s action to approve the new and revised water quality standards in chapter 62-303, F.A.C., is being taken today pursuant to the Agency’s authorities in § 303(c) of the Clean Water Act. Other than with regard to the new and revised standards provisions that relate to the issue of recreation use attainment, EPA has, under section 7(a)(2) of the Endangered Species Act (ESA), initiated consultation with the U.S. Fish and Wildlife Service and the U.S. National Marine Fisheries Service regarding EPA’s approval action. EPA’s approval decision for the provisions that are part of that consultation is subject to completion of ESA consultation. We will notify FDEP of the results of the section consultation upon its completion. EPA’s approval of the new and revised standards provisions that relate to the issue of recreation use attainment is not subject to the outcome of ESA consultation.

For your information, the enclosure to this letter can be viewed on the EPA Region 4 website, at <http://www.epa.gov/region4/water/wqs/index.html>. If you have questions regarding EPA's approval of these new and revised standards, please call me at 404/562-9470.

Sincerely,

/s/

02-19-08

James D. Giattina
Director
Water Management Division

cc: Thomas M. Beason (FDEP) (w/o enclosure)
Jerry Brooks (FDEP) (w/o enclosure)
Daryll Joiner (FDEP) (w/o enclosure)

Enclosure