



Ongoing water quality regulatory activities for the Tampa Bay area

Manatee River BMAP

December 2011

Numeric Nutrient Criteria and TMDLs

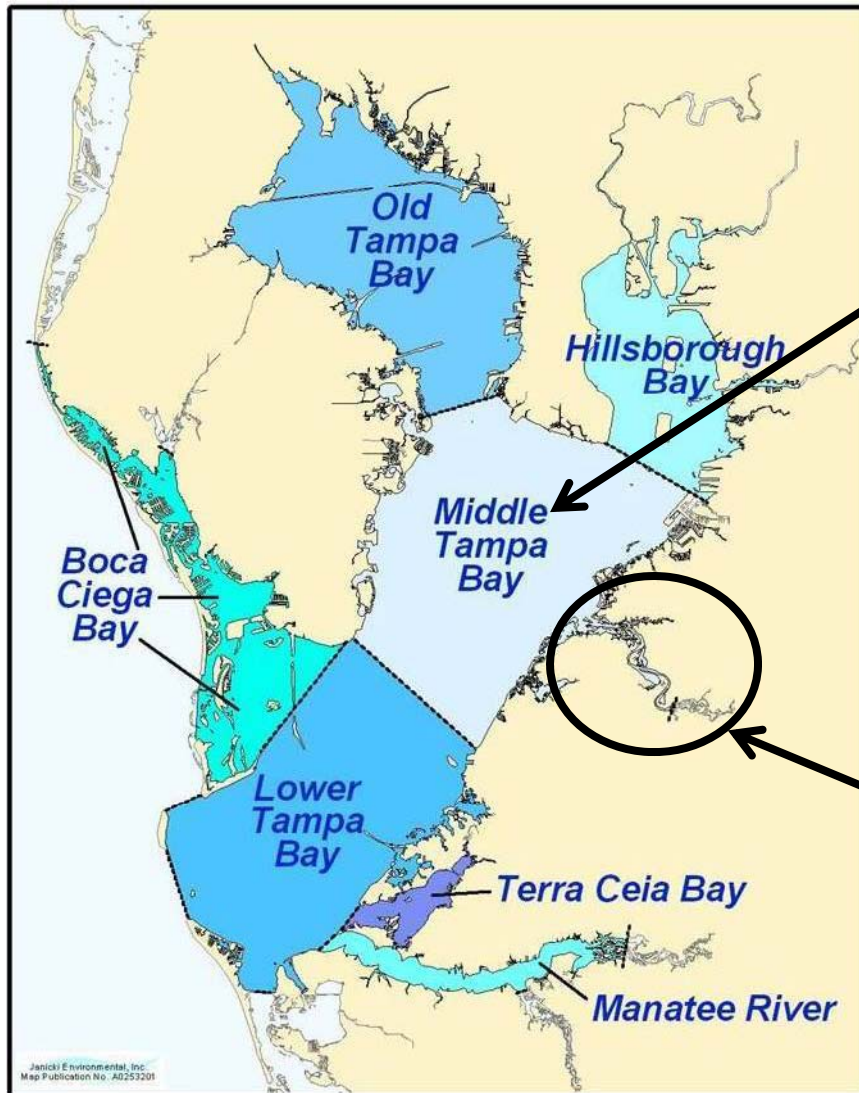
- EPA has required Numeric Nutrient Criteria for all waterbodies in the nation, in accordance with the Clean Water Act. Florida is the first state to have a deadline.
- Numeric Nutrient Criteria will determine whether a lake, stream or estuary is 'impaired'.
- If a water is impaired, actions will be required to address the impairment through a Total Maximum Daily Load. Actions can include WWTP upgrades and stormwater improvements.

Current Status: Numeric Nutrient Criteria

- In Nov 2010, EPA promulgated NNCs for Florida lakes and streams. Proposed estuary NNCs are due in March 2012
- FDEP petitioned; EPA indicated that they would rescind if FDEP adopts protective criteria by March 2012



TMDLs and NNCs in Tampa Bay



Salt Water:
Tampa Bay

Fresh Water:
rivers, lakes and
streams

Tampa Bay has a leg up

Tampa Bay Nitrogen Management Consortium

Partnership of:

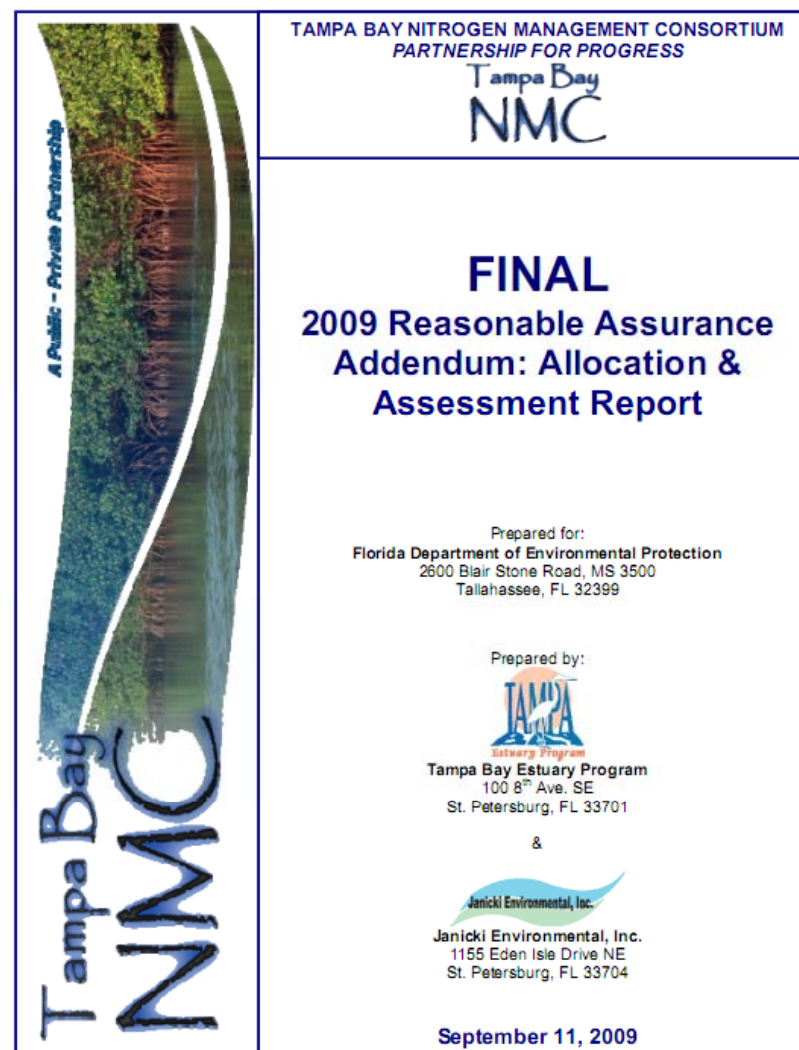
- local governments,
- regulatory agency participants,
- local phosphate companies,
- agricultural interests and
- electric utilities



40+ NMC participants responsible for meeting nitrogen load reduction goals

Tampa Bay Nitrogen Management Consortium

- 40+ public and private partners throughout watershed- collaborative approach to meeting regulatory water quality goals (EPA TMDL)
- Consortium **developed and agreed to voluntary limits** on nitrogen loads for all sources on 9/2009. State approved in 12/2010. EPA final approval pending.

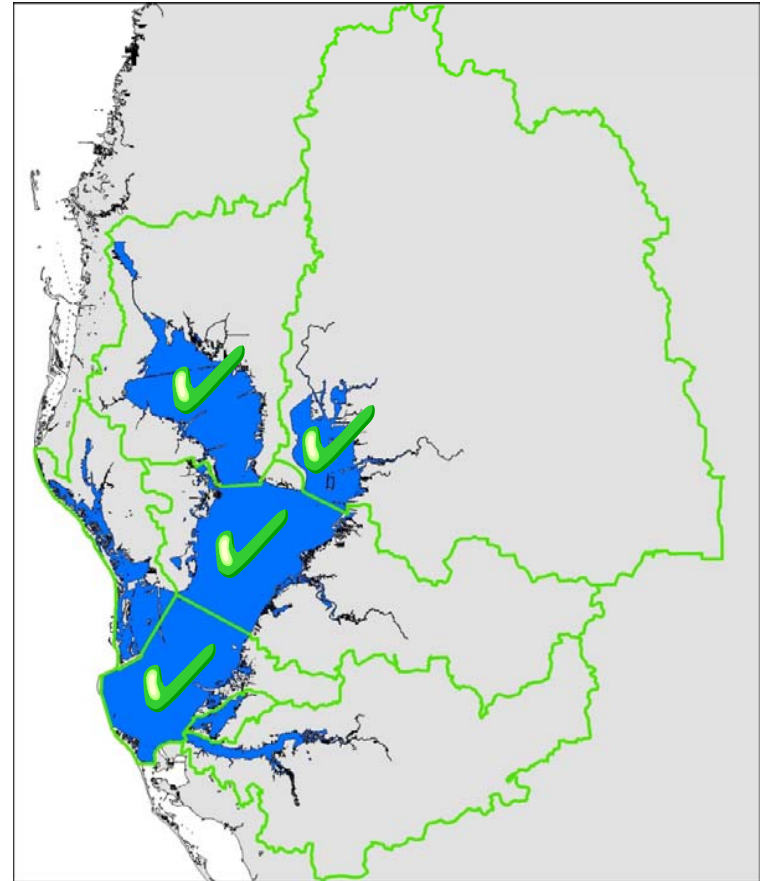


TMDLs in Salt Water Bay Segments

- EPA: Tampa Bay 1998 TMDL
- FDEP: Tampa Bay 2003 Reasonable Assurance (RA); updated 2010 (next update in 2013)



Nitrogen Management Consortium's Reasonable Assurance Plan meets **BOTH** EPA and FDEP regulatory requirements for Tampa Bay TMDLs



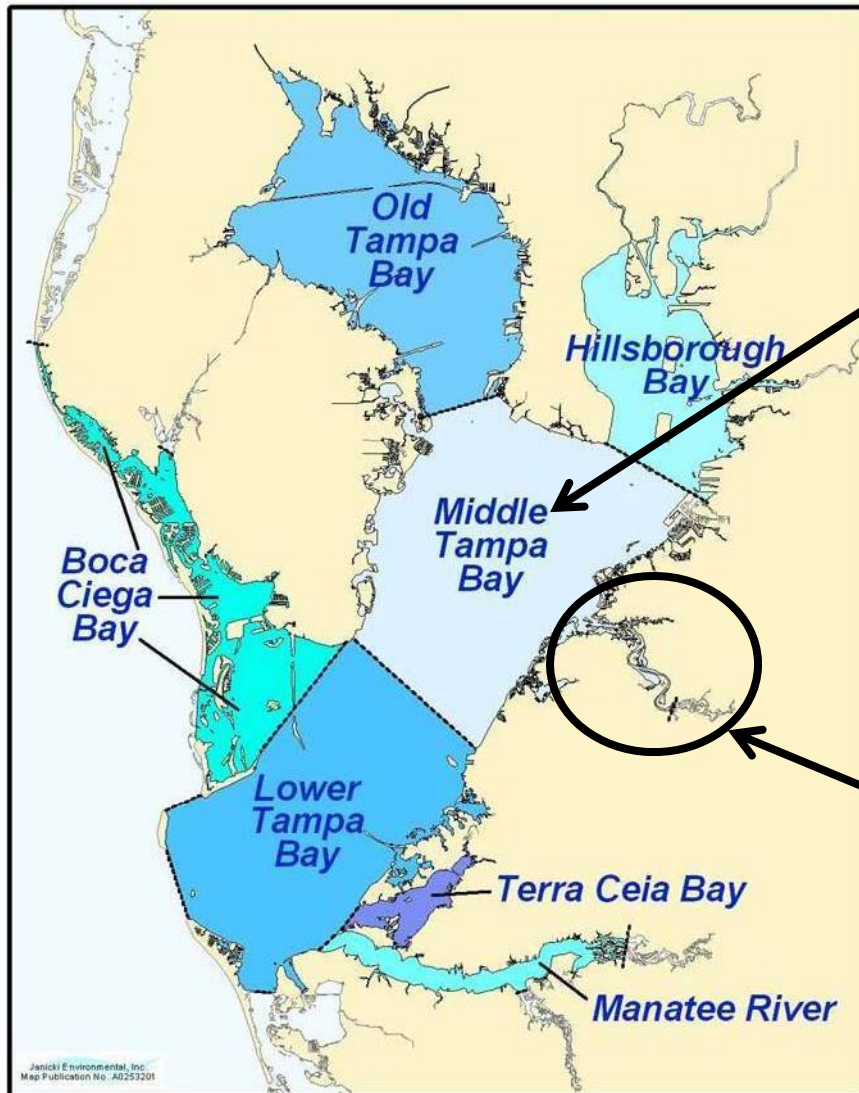
Numeric Nutrient Criteria in Tampa Bay

- EPA: Proposed Estuarine Nutrient Criteria (ENCs) due in 2012 – will consider State Rule or Law if adopted by March.
- FDEP: Estuarine Nutrient Criteria in Rule- state ERC approved in Dec 2011, but challenged. State Legislature may consider a Law this session.



TBEP staff recommended ENCs for Tampa Bay consistent with Consortium's goals to FDEP and EPA. FDEP has incorporated TBEP recommendations into State Rule.

TMDLs and NNCs in Fresh Water

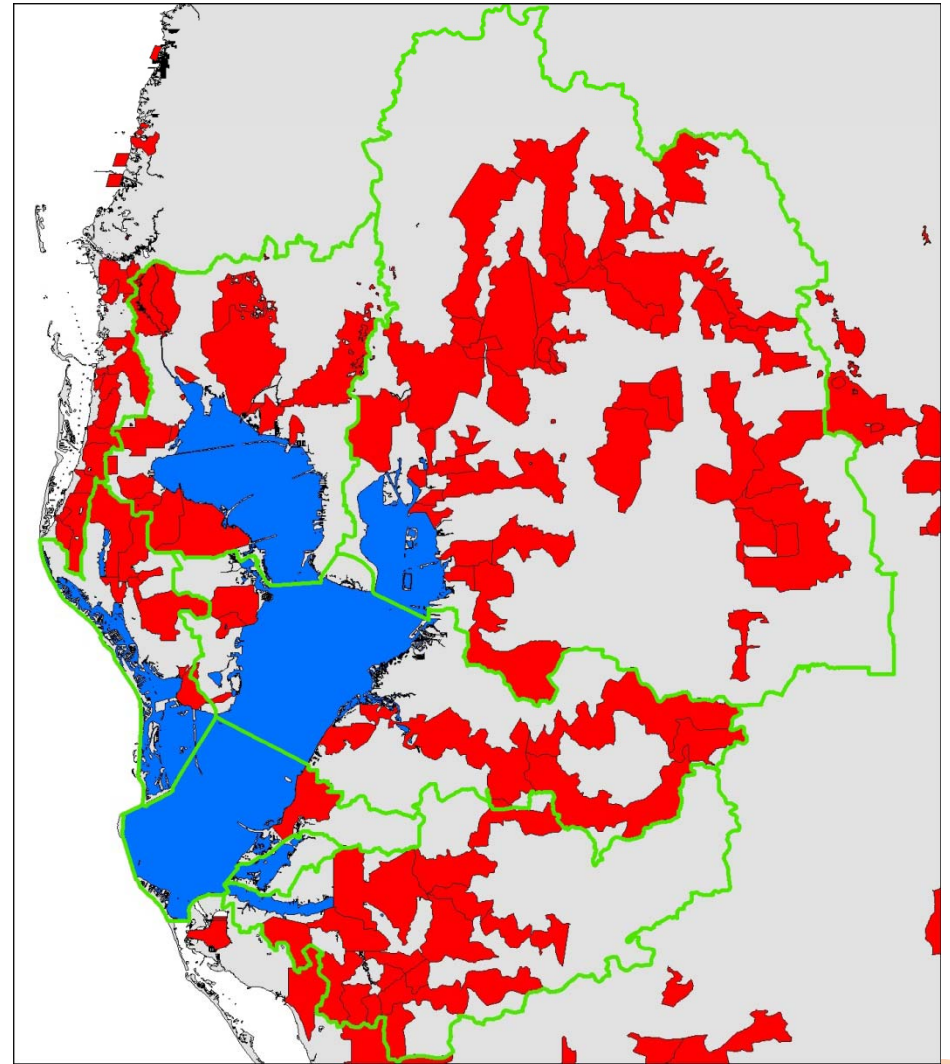


Salt Water:
Tampa Bay

Fresh Water:
rivers, lakes and
streams

Fresh Water TMDLs in the Tampa Bay Watershed

- Many waterbody segments (called WBIDs – Water Body IDs) are considered ‘impaired’ and require a TMDL. Some TMDLs have been finalized by either FDEP or EPA.
- However, Numeric Nutrient Criteria will determine whether a waterbody is impaired (and therefore require a TMDL), so some waterbodies may change status.

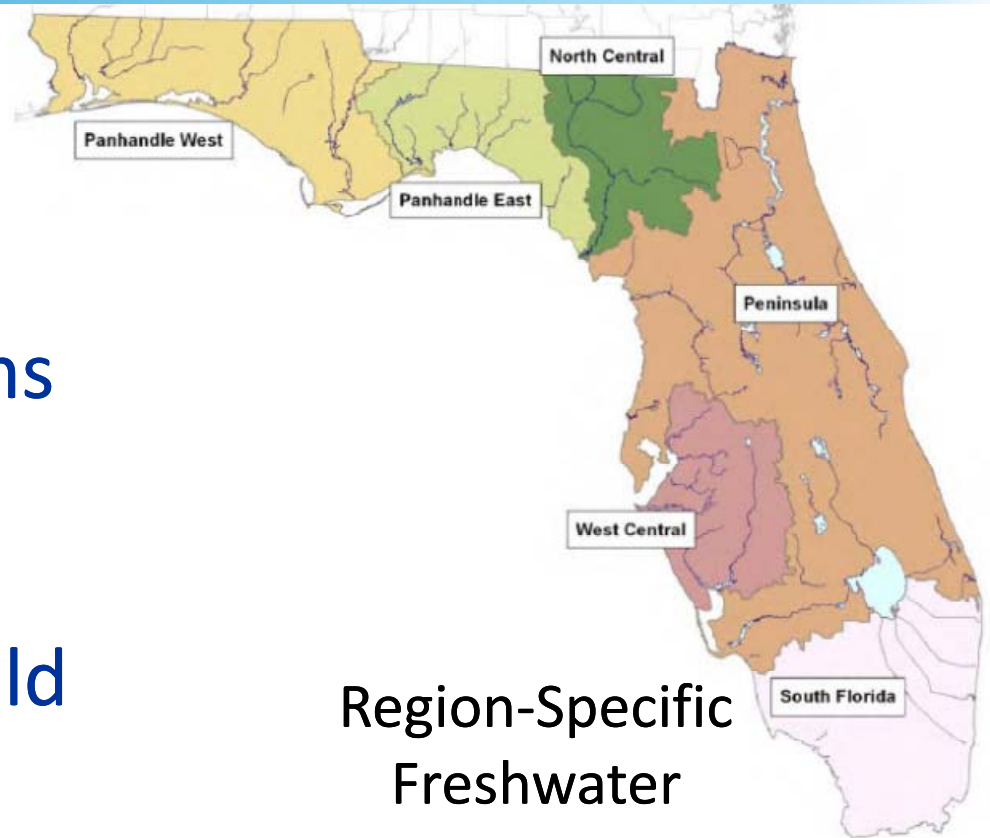


TBEP Involvement with Freshwater TMDLs

- TBEP has not been directly involved with the development of TMDLs for freshwaters.
- However, TBEP is assisting our partners by facilitating implementation plans- called Basin Management Action Plans (BMAPs)— for adopted TMDLs in the Hillsborough River.
- We also are working with FDEP to expand our Reasonable Assurance Project Database to include BMAP areas, so that partners only have to enter projects once to meet both EPA TMDL requirements and FDEP BMAP requirements.

Numeric Nutrient Criteria for Fresh Waters in Tampa Bay Watershed

- In Nov 2010, EPA promulgated NNCs for Florida lakes and streams
- FDEP petitioned; EPA indicated that they would rescind if State adopts protective criteria by March 2012



Region-Specific
Freshwater
Nutrient Criteria
developed both
by EPA & FDEP

The Good News

- Tampa Bay Nitrogen Management Consortium recommendations accepted as FDEP RA and EPA TMDL for Tampa Bay
- FDEP uses TBEP recommendations for Estuarine Nutrient Criteria in draft Rule; EPA indicates they will be accepted if State adopts Rule or Law.
- TBEP continues facilitation and support, including maintaining Tampa Bay database, for implementation of TMDLs and RA in the Bay and watershed.

The Unknowns

- The ERC approved the draft State Rule for Numeric Nutrient Criteria, but it has been challenged.
- Will the Legislature consider a Law adopting NNCs?
- If Florida does not approve a State Rule or Law, EPA will promulgate Numeric Nutrient Criteria for Fresh Waters and Estuaries. How will those be different than the State's Rule/Law? How would the EPA NNCs be implemented?