



## Status Update on Future Water Quality Strategies for the Refuge

*Temperince Morgan, Director, Federal & State Policy Division, Everglades Restoration and Capital Projects*

## **Background- From March TOC Meeting**

- **State and Federal parties involved in the Consent Decree (Settling Parties) agreed to work cooperatively to identify additional strategies necessary to achieve applicable water quality requirements**
  - **Focus on additional phosphorus reduction measures necessary to limit discharges to the Refuge to a 18 ppb maximum annual flow-weighted mean**
  - **Various strategies to be evaluated, will include source controls, expansion of STAs, storage, and diversion**
  - **Combinations of sub-basin, basin, and regional scale projects considered**

## Recent Legal History

- Phosphorus excursions in LNWR occurred in November 2008 and June 2009
- 10/15/09 - Miccosukee Tribe of Indians files Motion Seeking Declaration of Violations





## Status of Refuge Planning Effort

- Parties have been meeting regularly since January to identify additional strategies necessary to achieve phosphorus water quality standard for Refuge
- Basin scale studies are underway for
  - S-5A/East Beach Water Control District
  - C-51W/L-8
- Regional scale evaluation has focused on
  - Datasets
  - Evaluation tools and criteria
  - Potential combinations of projects

## Recent Legal History

### New events since March TOC

- 3/31/10- Judge Moreno issues order granting motion to adopt Special Master's report, motion seeking declaration of violations, and motion for declaration of breach commitments
- 4/14/10- Judge Gold issues order granting plaintiffs motions in part; granting equitable relief; requiring parties to take actions by dates certain
- 4/28/10- SFWMD files 60(b)(5) Motion for relief from Moreno order on remedies and 59(e) Motion for Modification

## Conceptual Plan: Expanded Scope

- Due to recent rulings, scope of the planning effort has recently been expanded
- All parties to the litigation have been invited to participate
- Objective: Identify a suite of technically feasible projects to meet a proposed WQBEL of 18 ppb annual maximum and long term flow-weighted mean of 12 ppb for total phosphorus
- Expanded Scope: Phosphorus reduction measures to be identified for all existing STAs
  - Will not limit focus to STA-1E/1W; will be identifying additional strategies for all STAs

## Conceptual Plan: Expanded Scope

- Various strategies will be evaluated, including source controls, expansion of STAs, storage/flow equalization, and diversion
  - C-139 Basin Study underway
- Schedule for expanded scope is still being discussed by parties; although it is assumed that the schedule for developing additional strategies will be expedited
- EPA must file an Amended Determination with the Court by September 3<sup>rd</sup>
  - Determination must include milestones to achieve WQBEL



## Status Updates

- **Status updates and opportunities to provide input and comments will be provided to:**
  - **Senior Leadership of the Settling Parties**
  - **SFWMD Governing Board**
  - **Water Resources Advisory Commission**
  - **Technical Oversight Committee**
  - **The Court and Parties to the USA v. SFWMD lawsuit**
  - **Other Stakeholders**





## Questions