

**DRAFT**  
**October 26, 2015**

**WY2014 Annual Shark River Slough Compliance**

According to Appendix A of the Consent Decree, “[a]n exceedance occurs if the flow-weighted mean concentration for the water year ending September 30<sup>th</sup> is greater than the 10% rejection level of the computed limit. Based upon review of trends for flow-weighted means, trends for the frequencies of samples exceeding 10 ppb, and other information found relevant by the panel, the TOC members will forward their opinions and recommendations to their respective agencies for appropriate action. An exceedance will constitute a violation unless the TOC determines that there is substantial evidence that it is due to error or extraordinary natural phenomena.” If an exceedance occurs that is not due to error or extraordinary natural phenomena, Appendix C must be applied. Appendix C of the Consent Decree requires that additional remedies will be taken if the Park or Refuge phosphorus limits or concentration levels are violated.

Following the procedure outlined by the Consent Decree in Appendix A, the TOC representatives examined the relevant data and trends regarding Water Year 2014 flow-weighted-mean concentration limits into the Shark River Slough and offered their opinions and recommendations to their respective agencies for appropriate action. Specifically, the TOC representatives evaluated and discussed factors that may have contributed to the exceedance, such as climate, upstream marsh and canal hydrology, and water quality, and have made those discussions available to the Principals for their use. Ultimately, the TOC determined that there was an exceedance for Water Year 2014 and did not find substantial evidence that the exceedance was due to error or extraordinary natural phenomena. As a result of this finding, the TOC applied Appendix C to consider what additional remedies will be taken.

Upon review, consultation and analysis of the data, the TOC has reached consensus on a technically based recommendation for compliance with Appendix A. The TOC representatives agree that current circumstances and information indicate that the measures currently underway, and the additional measures identified in the State NPDES and EFA permits and associated Consent Orders, are expected to achieve the requisite water quality in inflows from the Water Conservation Areas to Shark River Slough. Based on the consideration of the long-term downward trends for the flow-weighted means, the trends for the frequencies of samples exceeding 10 parts per billion, and other information, the TOC recommends that no additional technical analysis of the WY2014 Shark River Slough water quality data be conducted. The aforementioned measures are being timely implemented and are expected to achieve water quality limits set forth in the Consent Decree; therefore, at this time, the TOC does not recommend remedies in addition to those currently planned and/or underway to address the Water Year 2014 exceedance.