

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
RECOMMENDED POSITION FOR ESTABLISHING  
MAXIMUM ANNUAL DISCHARGE LIMITS**

FDEP requests that:

1. The TOC recognize that the FDEP is presently enjoined by federal court order from issuing new permits or modifying existing permits for discharges into the Refuge.

FDEP has proposed to the Court that it would commence the State's administrative process for the issuance of the conformed permits and administrative orders, which contain the USEPA proposed Water Quality Based Effluent Limit (WQBEL) and schedule of compliance activities, if, and when, it is allowed it to do so. The FDEP would, upon approval from the Court, publicly notice the draft permit, conduct a public comment period and subsequently notice its intent to issue.

2. The TOC acknowledge that the FDEP notice of intent to issue will commence the state administrative process, but it will not predetermine the final terms of the permits or otherwise adversely affect the due process rights of any party whose interests are substantially affected by the Department's action.
3. The TOC recommend allowing the state administrative process to move forward before the TOC recommends a maximum annual discharge limitation. Once there are final and effective permits for STA-1E and STA-1W in place, that the TOC consider the WQBELs in those permits to be equivalent to the MADL under the Consent Decree.