

TOC motion by Nick Aumen, TOC representative for ENP
March 1, 2011

(1) At page 153 of his January 4, 2011 report, the Special Master recommended that the TOC at its next meeting should address the maximum annual discharge limit for the Refuge, and make a recommendation to the FDEP, which then would have 60 days to establish the maximum annual discharge limit under the Consent Decree.

(2) I move the TOC to make a recommendation to FDEP to adopt, as the maximum annual discharge limit for the Refuge, the Water Quality-Based Effluent Limit identified in USEPA's Amended Determination dated September 3, 2010.

(3) Specifically, the maximum annual discharge limit should prescribe that "total phosphorus concentrations in discharges to the Refuge may not exceed either 10 ppb as an annual geometric mean in more than two consecutive years, or 18 ppb as an annual flow-weighted mean."

(4) This WQBEL was calculated using a scientifically-based statistical approach in accordance with USEPA procedures, and would ensure that discharges to the Refuge comply with the Consent Decree's water quality requirements.