

Letters Regarding the PSTA in STA-1E

A presentation was made at the April 20, 2010 Special Technical Oversight Committee (TOC) meeting regarding the Periphyton Stormwater Treatment Area (PTSA) test facility in Stormwater Treatment Area 1 East (STA-1E). Updates and discussion of this subject have also occurred at subsequent TOC meetings. We are posting three letters pertaining to this subject:

- Letter from the Florida Department of Environmental Protection (FDEP) to the United States Army Corps of Engineers (USACE) dated September 20, 2010
- Letter from the USACE to the South Florida Water Management District (SFWMD) dated October 7, 2010
- Letter from the USACE to the Miccosukee Tribe of Indians of Florida regarding dated November 19, 2010

Provided November 30, 2010



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Mimi A. Drew
Secretary

September 20, 2010

Stu Applebaum
United States Army Corps of Engineers
701 San Marco Boulevard
Jacksonville, Florida 3207

Subject: Stormwater Treatment Area 1 East

Dear Mr. Applebaum,

The United States Army Corps of Engineers (Corps) presented a brief status update on Periphyton-based Stormwater Treatment Areas (PSTA) at the August 31, 2010 Technical Oversight Committee (TOC) meeting. Following the update, I requested that the Department be provided a schedule for all of the remaining design and construction activities necessary for the Stormwater Treatment Area 1 East (STA-1E) to achieve its authorized purposes and performance standards.

As you know, the Department has regulatory responsibility under the National Pollutant Discharge Elimination System (NPDES) program to ensure that Stormwater Treatment Areas that discharge into the Everglades Protection Area meet permit requirements. I request that the Corps provide a written summary that indicates the remaining activities the Corps intends to complete for STA-1E, including a description of the nature and extent of the proposed repairs, and a schedule with general milestones. It would also be helpful to know if any of the construction activities will result in operational changes for the facility. I request that the summary and schedule be provided to the Department within two weeks of your receipt of this letter.

I look forward to continued coordination with the Corps in protecting the Everglades Protection Area. Should you have any questions, please feel free to contact Ernie Marks at (850) 245-8440.



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

OCT 07 2010

REPLY TO
ATTENTION OF

Everglades Division

Mr. Kenneth Ammon, P.E.
Deputy Executive Director
Everglades Restoration and Capital Projects
3301 Gun Club Road
West Palm Beach, Florida 33406

Dear Mr. Ammon:

As you know, the Jacksonville District, U. S. Army Corps of Engineers (Corps) completed construction and transferred the C-51 Flood Control/Stormwater Treatment Area 1 East (STA-1E) project to the South Florida Water Management District (SFWMD) for operations and maintenance in 2005 in accordance with the Project Cooperation Agreement. SFWMD obtained all necessary permits and has operated STA-1E since that time. As a result of that transfer, SFWMD assumed responsibility for the project and its releases. However, the Corps did retain use of Cells 1 and 2 of STA-1E for implementation of a field-scale periphyton stormwater treatment area (PSTA) demonstration project.

For several reasons, operations of the PSTA demonstration project were delayed. According to our contractor (Dr. Ron Jones, Portland State University), the flow-through operations necessary to collect the performance data needed to complete the demonstration resumed in February of this year and, although limited in duration, initial phosphorus reduction results from the demonstration project look positive. A summary of initial results has been informally shared with Ms. Temperince Morgan of your staff. Our intention is to provide a more formal summary of results to the Technical Oversight Committee (TOC) on October 19, 2010.

The Corps' cooperative agreement with the State of Oregon on behalf of Portland State University for PSTA analysis ends on December 31, 2010. The Jacksonville District Commander is presently evaluating alternatives with regard to the demonstration project. One alternative and the purpose of this letter is to determine the SFWMD's interest in continuing the project as part of commitments under the Consent Decree to evaluate water quality technologies. The Corps would transfer the PSTA cells, in their current condition, to SFWMD to continue the pilot study, in conjunction with its own research efforts, as it determined appropriate.

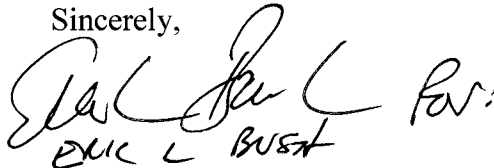
Because the SFWMD is currently reviewing the recently filed Amended Determination in the litigation before Judge Gold, the Corps wanted to raise this issue as soon as possible in order to afford SFWMD the opportunity to incorporate this new information in its decision making and response to U.S. Environmental Protection Agency (USEPA) and the court.

If the SFWMD is not interested in continuing the PSTA demonstration project, the Corps will make a decision regarding decommissioning the project and returning those portions of Cells 1 and 2 containing PSTA features to the original design consistent with USEPA's current Amended Determination.

In order to assist the Corps in meeting our commitment to consult with the Miccosukee Tribe regarding the PSTA demonstration project, I would appreciate receiving a written response regarding SFWMD's interest in continuing the project no later than October 26, 2010. This should afford you time to assess the information we have already provided your staff and the presentation which will be made to the TOC in October as discussed above. If you would like to meet to discuss this matter in further detail, we will certainly accommodate such a request.

Please contact Mr. Robert Medlock at (904) 232-1065, to arrange such a meeting. I will look forward to receiving your response and continuing to work with you and your excellent staff on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Stuart J. Appelbaum". To the right of the signature, the word "Per:" is written. Below the signature, the name "ERIC L BUSH" is written in a smaller, less legible hand.

Stuart J. Appelbaum
Deputy for Restoration
Program Management

Copy Furnished:

Ms. Temperince Morgan, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida 33406

Garth Redfield, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida 33406

Sonia Escobia O'Donnell, 777 Brickell Avenue, Suite 500, Miami, Florida 33131



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REPLY TO
ATTENTION OF

Everglades Division

Mr. Colley Billie, Chairman
Miccosukee Tribe of Indians of Florida
Post Office Box 440021
Tamiami Station
Miami, Florida 33144

Dear Mr. Billie:

Following extensive consultation with State and Federal agencies as well as other interested parties including the Miccosukee Tribe of Indians of Florida, the U.S. Army Corps of Engineers (Corps) has decided to conclude data collection at its Periphyton Stormwater Treatment Area (PSTA) field test in the eastern flow way of Stormwater Treatment Area 1 East (STA-1E) at the end of this calendar year.

Following our meeting with the Tribe on November 12, 2010, the Corps considered the incremental benefits of additional data from continuation of the project, the nature of this PSTA work and other ongoing PSTA efforts, possible modifications to the project to increase inflow phosphorous levels, possible modifications to the project to improve flows through the eastern flow way of STA-1E, the likelihood of water being available to the project in the coming months, and input from interested agencies and the Tribe.

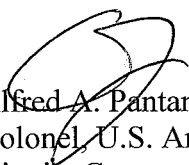
As you are aware, the Corps offered the South Florida Water Management District the opportunity to continue the PSTA field test. However, they have asked for control of the eastern flow way as soon as possible and for the removal of the PSTA. They also referenced their own ongoing PSTA field tests in not considering the work being conducted in STA-1E as essential. The Amended Determination issued by the Environmental Protection Agency recognizes that the state will work with the Corps regarding removal of the PSTA field test. Finally, neither the State of Florida nor the Department of the Interior were supportive of the PSTA test at the October 19, 2010 Technical Oversight Committee Meeting.

In light of these considerations, the benefits of extending the field test appear marginal at best, and given the pressure and benefits of moving forward with the broader efforts to achieve compliance by the state under the Amended Determination and consent decree associated with STA-1E, the other federal agencies and the non-Federal sponsor support cessation of this field test and use of the area as originally designed. Accordingly, data collection will cease at the end

of this calendar year and construction to remove the field test may begin as early as but not prior to March in 2011. Conclusion of the field test will include a comprehensive analysis and report of the data gathered.

Thank you for your interest in and support for the Corps PSTA field test. We look forward to sharing the conclusions of the test with the Tribe. In the interim, if you have any questions or concerns, please contact Mr. Robert Medlock at (904) 232-1065.

Sincerely,



Alfred A. Pantano, Jr.
Colonel, U.S. Army
District Commander

Copies Furnished:

Mr. Gene Duncan, Director of Water Resources, Miccosukee Tribe of Indians of Florida,
Post Office Box 440021, Tamiami Station, Miami, Florida 33144

Mr. Terry L. Rice, Consultant, Miccosukee Tribe of Indians of Florida, 6526 S. Kanner
Highway, PMB 316, Stuart, Florida 34997