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**TO:** Interested Parties

**FROM:** Media Relations  
South Florida Water Management District

**DATE:** November 4, 2010

**SUBJECT:** South Florida Water Management District's Response to the U.S. Environmental Protection Agency's Amended Determination

**CONTACT:** Kayla Bergeron  
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The South Florida Water Management District (SFWMD) has responded to the U.S. Environmental Protection Agency's (EPA) Amended Determination filed with U.S. District Judge Alan S. Gold on September 3, 2010.

Attached and below is a letter from SFWMD Executive Director Carol Ann Wehle to EPA Region IV Administrator Gwen Fleming and the District's detailed response to the EPA outlining the agency's response.

- [Cover letter from SFWMD Executive Director Carol Ann Wehle to EPA Region IV Administrator Gwen Fleming, Nov. 2, 2010](#)
- [SFWMD response to EPA's Amended Determination, Nov. 2, 2010](#)
- [Rebuttal report of Nenad Iricanin, Ph.D., SFWMD principal environmental scientist, Oct. 25, 2010](#)
- [Letter from SFWMD Executive Director Carol Ann Wehle to U.S. District Judge Alan S. Gold, Sept. 30, 2010](#)
- [Just the Facts: Providing Clean Water for the Everglades, September 2010](#)

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November 2, 2010

Ms. Gwen Fleming  
Regional Administrator  
U.S. Environmental Protection Agency  
Region IV  
61 Forsyth Street SW  
Atlanta, GA 30303-8960

Dear Ms. Fleming:

Having reviewed the technical merits of the Environmental Protection Agency's (EPA) September 3, 2010 Amended Determination, the South Florida Water Management District (District) is this week declining the opportunity to provide an alternative proposal for achieving the water quality targets devised by the federal government for Florida's Everglades. In the end, the District was unwilling to accept the undue and unreasonable financial burden that EPA's \$2 billion proposal places on South Florida's taxpayers.

During the last few months, the District worked in good faith with federal regulators to define commonsense, science-based and realistic solutions that meet the ecological needs of the Everglades Protection Area. Unfortunately, by proposing an unrealistic schedule, disregarding the best available science and ignoring the District's financial capabilities to implement water quality improvement projects, the EPA's determination failed to achieve these goals.

The District fully embraces its responsibilities for improving water quality in the Everglades. In fact, the agency has invested an unprecedented \$1.2 billion over the last decade to construct 45,000 acres – more than 80 square miles – of treatment wetlands to clean up water flowing into the *River of Grass*. These specialized treatment wetlands are performing better than expected, last year treating more than 1.4 million acre-feet of water to levels of phosphorus cleaner than rainwater and cutting nutrient loads to the Everglades Protection Area by more than 76 percent.

To ensure continued progress, the District has invested another \$250 million since 2006 to build an additional 17,000 acres of treatment wetlands, 5,270 acres of which are complete with another 11,500 acres under way. And, just this past month, the District's Governing Board took voluntary steps to acquire another 42 square miles of strategically-located land to further enhance its opportunities for constructing large-scale water storage and water quality projects.

Rather than encourage the District to proceed with these existing efforts, build and operate treatment facilities and realize additional water quality improvements on a realistic schedule, EPA opted to mandate construction of a \$2 billion suite of projects over the next nine years. Regrettably, these projects and schedules are not achievable within our existing revenue streams and leave no funds available for other critical efforts like the Comprehensive Everglades Restoration Plan and restoration of Lake Okeechobee and the St. Lucie and Caloosahatchee estuaries.

To be clear, the District's objections to EPA's mandates are not about an unwillingness to move forward with our restoration objectives. To the contrary, the District has already decided to advance a handful of affordable but meaningful water quality projects identified in EPA's Amended Determination that are within our current financial capabilities. Ultimately, this is about making the right decisions for the natural system, advancing scientifically sound restoration strategies and a state's right to manage its financial and natural resources in the best interest of its citizens.

This is a time of nationwide economic challenges, with governments at all levels struggling to balance budgets. We are hopeful that, with our feedback, the Federal Court will recognize the overwhelming constraints that EPA's Amended Determination places on the District and direct the federal government to work collaboratively and transparently with Floridians to define reasonable and cost-effective solutions for the benefit of not only the natural system but also our taxpayers and our economy.

The District will be proceeding with an open and transparent public process to begin planning, design and engineering for the suite of water quality projects it intends to undertake. We invite EPA to participate in this process, which will move us closer toward achieving our shared water quality objectives.

Sincerely,  
Carol Ann Wehle  
Executive Director  
South Florida Water Management District