

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

CASE NO. 4:08-cv-00324-RH-WCS

FLORIDA WILDLIFE FEDERATION, INC.;
et al.,

Plaintiffs,

vs.

LISA P. JACKSON, Administrator of the
United States Environmental Protection
Agency; and the UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY,

Defendants.

**JOINT NOTICE TO THE
COURT OF EXTENSION
OF CONSENT DECREE
DEADLINE**

WHEREAS, the terms of agreement set forth in Paragraph 8 of the Consent Decree entered on December 31, 2009 (ECF No. 153), as amended by the joint notice of extension of deadlines (ECF No. 184), state that EPA shall, by November 14, 2011, sign for publication in the Federal Register a notice of proposed rulemaking setting forth numeric water quality criteria for coastal and estuarine waters in the State of Florida.

WHEREAS, the joint notice of extension of deadlines (ECF No. 184) states that EPA shall, by November 14, 2011, also sign for publication in the Federal Register a notice of proposed rulemaking setting forth numeric water quality criteria for flowing waters in the South Florida Region of Florida.

WHEREAS, the terms of agreement set forth in Paragraph 10 of the Consent Decree entered on December 31, 2009 (ECF No. 153), as amended by the joint notice of extension of deadlines (ECF No. 184), state that EPA shall, by August 15, 2012, sign for publication in the

Federal Register a notice of final rulemaking regarding the setting of numeric water quality criteria in the State of Florida for coastal and estuarine waters, and flowing waters in the South Florida Region.

WHEREAS, EPA has held several meetings in the State of Florida with the Florida Department of Environmental Protection; the Tampa Bay, Charlotte Harbor, Sarasota Bay, and Indian River Estuarine Programs (covering Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee, Seminole, Brevard, and Orange Counties); and the South Florida and St. Johns River Water Management Districts. During these meetings, EPA received valuable feedback on criteria development from these local experts. These meetings resulted in the submission to EPA of new information and data that EPA is considering as it prepares for proposal of the water quality criteria referenced in the first and second paragraphs of this notice.

WHEREAS, EPA is conducting additional analysis and review of the literature in response to recommendations by the Scientific Advisory Board convened by EPA to review the Agency's methodology for deriving numeric nutrient criteria in Florida.

WHEREAS, Paragraph 22 of the Consent Decree (ECF No. 153) provides that any deadlines set forth in Paragraphs 4 through 11 may be extended by written agreement of the Parties with notice to the Court.

NOW, THEREFORE, Plaintiffs and EPA agree and hereby notify the Court that:

The deadline of November 14, 2011 for EPA to sign for publication proposed numeric nutrient criteria referenced in Paragraph 8 of the Consent Decree, as amended by the June 7, 2010 Joint Notice to the Court of Extension of Consent Decree Deadlines, shall be extended to March 15, 2012. The deadline of August 15, 2012 for EPA to sign for publication the final rulemaking referenced in Paragraph 10 of the Consent Decree, as amended by the June 7, 2010

Joint Notice to the Court of Extension of Consent Decree Deadlines, shall be extended to
November 15, 2012.

RESPECTFULLY SUBMITTED this 30th day of September, 2011.

/s/ David G. Guest
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FOR DEFENDANT EPA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing to be electronically filed on September 30, 2011. All registered counsel are to receive notice of the filing via the Court's electronic case filing system.

/s/ Martha C. Mann

MARTHA C. MANN
United States Department of Justice
Environment and Natural Resources
Division