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December 28, 2012

VIA EMAIL (OW-DOCKET@EPA.GOV)

Water Docket
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: **Docket ID No. EPA-HQ-OW-2009-0596**
Water Quality Standards for the State of Florida's Lakes and Flowing Waters;
Proposed Rule; Stay

To Whom It May Concern:

On behalf of the Fertilizer Institute ("TFI"), I am pleased to provide comments in support of the proposal to temporarily stay EPA's regulation, "Water Quality Standards for the State of Florida's Lakes and Flowing Waters; Final Rule," 75 Fed. Reg. 75761 (Dec. 6, 2010) (hereinafter, "Phase I Rule") until November 15, 2013.

TFI represents the nation's fertilizer industry, including producers, importers, retailers, wholesalers, as well as companies that provide services to the fertilizer industry. TFI members own and operate fertilizer mining, production, processing, and retailing facilities in Florida. Many hold National Pollutant Discharge Elimination System ("NPDES") permits for point source or stormwater discharges into Florida waters that would be affected by EPA's Phase I Rule.

In its December 14, 2012 Proposed Rule, EPA proposed to temporarily stay the January 6, 2013 effective date for portions of the Phase I Rule until November 15, 2013. The proposed stay would apply to those portions of the Phase I Rule that were *not* invalidated by the U.S. District Court for the Northern District of Florida in *Florida Wildlife Federation, et al. v. Jackson*, Case No. 08-cv-324, with the exception of the site-specific alternative criteria provision that had an effective date of February 4, 2011.

TFI strongly supports EPA's proposed stay on the Phase I Rule's effective date. Such a stay is warranted now that EPA has approved the Florida Department of Environmental Protection's ("FDEP") own nutrient rules, and is necessary to avoid confusing and duplicative regulation by EPA and FDEP. TFI agrees that EPA's proposed "stay would provide EPA time to initiate

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rulemaking to withdraw the corresponding Federal criteria for freshwater lakes and springs if Florida's criteria for freshwater lakes and springs will be implemented by the State, e.g., if 62-30-.531(9) F.A.C. is not triggered," and thus urges EPA to finalize the proposed stay.

Thank you for considering our views.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Chung", written in a cursive style.

David Chung
Attorney for The Fertilizer Institute

cc: William C. Herz, The Fertilizer Institute