



May 15, 2007

Ms. Sibyl Cole
Standards, Monitoring and TMDL Branch
U.S. Environmental Protection Agency, Region 4
Water Management Division
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Dear Ms. Cole:

The Sanibel Captiva Conservation Foundation is deeply concerned with the science and methodology used to develop the proposed TMDL for the Lake Okeechobee Tributaries. This letter is submitted to follow up our comments presented at the Lake Okeechobee tributary TMDL meeting held in Fort Myers on May 2, 2007.

We are concerned about the scientific basis for establishing standards based on reference sites especially for a region that has a high degree of alteration, high loads of legacy phosphorus and a self loading receiving body. With the use of the reference site approach, there is an underlying assumption that a reference site will provide a corollary for assimilation capacity in the actual system which we believe is not warranted in this large watershed.

We see the affects of legacy phosphorus in the system which is not considered in the establishment of the tributary TMDL's. Within 10 years the upper chain of lakes is anticipated to be impaired for phosphorus yet that loading has not been incorporated into the loading analysis. SFWMD representative Susan Gray made the comment that 95% BMP's have been achieved in the four priority basins however it was not mentioned that those four priority basins represent only 10% of the watershed. The remainder of the watershed is not regulated by mandatory BMP's with performance criteria, there is no enforcement nor timeframe for compliance. Additionally, project cost share is touted as a method for gaining compliance but with improvements such as fencing that may keep cattle out of the water there is no improvement to abate the flow of wastes and land residuals into the water bodies.

It has been noted that the Lake is self loading for phosphorus at this point in its degraded state yet neither that condition nor the legacy phosphorus load is considered in the proposed target calculations.

Since turbidity and TSS are positively correlated with nutrient delivery there is a concern that the TMDL for nutrients and turbidity/TSS have been split between two separate TMDL's, yielding the possibility that solutions that may be needed may not be developed effectively, in a coordinated fashion for both metrics.


The process of setting TMDL targets is a fundamental source of the controversy over target levels. Some advocate setting an interim target, as that proposed with the 77 ppb in the Lake O tributaries, wherein a midrange target is selected arguing it can be achieved more quickly in a phased approach. Unfortunately with this approach the actual end point to provide for sufficiently clean water is not identified so after investing the time and spending money on technology only a fraction of progress is achieved, leaving the true target out of reach.

Instead, we support an approach in which the ultimate targets are identified, disclosing the real endpoint needed so that planning and investment can accommodate the ultimate needs to achieve success. In either case the approaches have to be phased. Land and technology costs will only continue to rise over time. Planning for the ultimate targets today, saves time, money and provides a clear expectation of the investments needed in order to reach target goals.

An example of the controversy over the setting of TMDL's can be illustrated with the EAA experience wherein a goal of a 25 percent reduction in Phosphorus has been surpassed with a 50 percent reduction yet the water is still too polluted to release to the Lake or Everglades.

On behalf of the 4000 members of the Sanibel Captiva Conservation Foundation, we urge you to set aside the inadequate target proposed and instead focus on establishing optimum instead of minimum or interim TMDL's for this very impaired and critical watershed that feeds the hydrologic system of all south Florida.

Sincerely,

A handwritten signature in black ink, appearing to read "Rae Ann Wessel". The signature is fluid and cursive, with a large initial "R" and "W".

Rae Ann Wessel
Natural Resources Policy Director