



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 20 2007

Michael W. Sole
Secretary
Florida Department of Environmental Protection
Marjory Stoneman Douglas Building, MS-10
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Dear Mr. Sole:

The purpose of this letter is to notify the State of the Environmental Protection Agency's (EPA's) approval of the State-adopted temporary change to Florida water quality standards for the City of Vero Beach Reverse Osmosis Facility discharge to the Indian River Farms Control District Main Relief Canal. Florida considers the revision to be a variance to its water quality standards. The variance and supporting documentation were submitted for EPA review in a letter dated September 24, 2007, from Thomas M. Beason, General Counsel for the Florida Department of Environmental Protection (FDEP), to James Palmer, EPA Region 4 Regional Administrator. The variance was granted by FDEP on September 19, 2007, and the letter submitting the variance for EPA review included a certification "that the enclosed variance, representing a temporary change to surface water quality standards, was duly adopted pursuant to state law."

The variance was granted by the State under authorities of Section 403.201(1)(a), Florida Statutes, which allows variances to Florida water quality standards in cases where no practicable means are known or available for the adequate control of pollution in a discharge. The variance will expire at the expiration of National Pollutant Discharge Elimination System Permit Number FL0042544-003. The variance requires that the provisions of Florida Administrative Code (F.A.C.) 62-302.500(1)(a)(4) be met no further than two meters upstream and downstream from the discharge. F.A.C. 62-302.500(1)(a)(4) [Surface Waters: Minimum Criteria, General Criteria] requires the following:

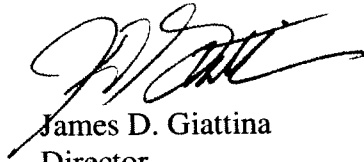
All surface waters of the State shall at all places and at all times be free from: Domestic, industrial, agricultural, or other man-induced non-thermal components of discharges which, alone or in combination with other substances or in combination with other components of discharges (whether thermal or non-thermal): ... are acutely toxic ...

The variance establishes a zone of initial dilution for whole effluent toxicity as part of a larger mixing zone for the Reverse Osmosis facility discharge, and requires that the City construct a multi-port diffuser with a minimum of five ports to disperse the discharge into the Indian River Farms Control District Main Relief Canal. The terms of

the variance are consistent with EPA's published guidance on implementation of mixing zones in the Technical Support Document for Water Quality-Based Toxics Control, USEPA, EPA-505-2-90-001, March 1991, and are protective of the overall integrity of the canal. Therefore, the terms of the variance are consistent with the provisions of 40 CFR Part 131 for protection of designated uses of State waters.

EPA's approval of this revision to Florida water quality standards is based on the authorities of Section 303(c) of the Clean Water Act. If you have questions, please contact Fritz Wagener of my staff at 404/562-9267.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Giattina', written over a horizontal line.

James D. Giattina
Director,
Water Management Division

cc: Thomas M. Beason, FL DEP
Nancy Ross, FL DEP