

FDEP proposed a state rule for numeric nutrient criteria. This proposed rule was approved by the Environmental Regulatory Commission in Florida and then approved by the Florida legislature. Governor Scott then signed the measure into law. This approved law has been submitted to EPA for their approval and they have until mid-August 2012 to do so. If they do approve the Florida law, they will then withdraw their necessity determination. Earthjustice challenged the FDEP rule in court and lost in large part due to the involvement of the panhandle utilities.