

Dear Sarasota Bay/Charlotte Harbor Basin Commenters,

This notice is to inform you of the withdrawal of the Total Maximum Daily Load (TMDL) for dissolved oxygen that the United States Environmental Protection Agency (EPA) had established for Alligator Creek, located in Sarasota County, Sarasota Bay-Peace-Myakka River Basin, Florida. Alligator Creek (WBID 2030) has never been on Florida's current Clean Water Act (CWA) section 303(d) list for dissolved oxygen.

EPA establishes TMDLs under CWA section 303(d)(2) pursuant to an order issued in the case Florida Wildlife Federation, Inc., et al. V. Carol M. Browner, et al., No. 4:98CV356-WS (N.D. Fla., Tallahassee Division, April 22, 1998). However, EPA has neither the obligation nor the authority to establish a TMDL in Florida's place under CWA section 303(d)(2) if the impairment was never on the section 303(d) list.

For the foregoing reasons, EPA is withdrawing the dissolved oxygen TMDL it established for Alligator Creek.

Sincerely,

/s/

James D. Giattina, Director
Water Management Division

