

revised numerical water quality criteria for priority toxic pollutants are promulgated by the Administrator.

25. Plaintiffs have identified 76 facilities that discharge Mercury into Florida's Class II, III, and III-Limited waters that are currently identified as being impaired, i.e, not meeting the designated use of shellfish harvesting and fish consumption due to the presence of high levels of Mercury in fish tissues and the issuance of fish consumption advisories by the Florida Department of Health. The discharge of Mercury into Class II, III, and III-Limited waters contributes to the presence of Methlymercury in fish tissues. The proposed regulations published by the Administrator of the Environmental Protection Agency on December 8, 2023, if promulgated, would establish a new numerical water quality criterion for Methylmercury in fish tissue.

26. After consideration of public comments on the proposed rule, on September 24, 2024, the Environmental Protection Agency submitted to the Office of Management and Budget for review pursuant to Executive Order No. 12866, 29 Weekly Comp. of Pres. Docs. 1925 (Sept. 30, 1993), 58 Fed. Reg. 51733 (Oct. 4, 1993), a draft final rule setting forth new and revised numerical water quality criteria for priority toxic pollutants to