

MEMORANDUM

Agenda Item No. 11(A) (13)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 4, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution opposing the U.S.
Environmental Protection
Agency's proposed numeric
nutrient criteria for Florida as
set forth in the "Water
Quality Standard for the State
of Florida's Lakes and
Flowing Waters" Ruling

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Lynda Bell.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 11(A)(13)

Veto _____

4-4-11

Override _____

RESOLUTION NO. _____

RESOLUTION OPPOSING THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S PROPOSED NUMERIC NUTRIENT CRITERIA FOR FLORIDA AS SET FORTH IN THE "WATER QUALITY STANDARD FOR THE STATE OF FLORIDA'S LAKES AND FLOWING WATERS" RULING

WHEREAS, on November 14, 2010, the Environmental Protection Agency ("EPA") implemented a rule that takes effect in 15 months, requiring a numeric nutrient criteria for inland water bodies in Florida; and

WHEREAS, the implementation of this rule is in response to a lawsuit that determined that Florida's existing narrative nutrient water quality standards do not meet the requirement of the Clean Water Act; and

WHEREAS, this EPA rule only applies to the State of Florida; and

WHEREAS, the State of Florida already has narrative nutrient water quality standards that were previously approved by the EPA and are currently monitored by the Florida Department of Environmental Protection; and

WHEREAS, Miami-Dade County has not experienced any significant degree of water quality degradation attributable to localized nutrient discharges and is planning very substantial reclamation and reuse of wastewater that will not adversely impact the quality of ground water and surface water in the County; and

WHEREAS, Florida's cities and counties realize the importance of maintaining quality waters throughout the state, but this change in criteria and the short deadline to impose it will require aggressive and expensive modifications to all programs to meet the standards of this new criteria; and

WHEREAS, a numeric nutrient criteria will ultimately cause numerous Florida water bodies, including those that show no adverse impacts associated with nutrient pollution, to be deemed impaired and thus subject to recovery efforts by the state or local governments; and

WHEREAS, a study by the Florida Department of Environmental Protection projects these mandates could cost Florida municipal storm water systems \$17.101 billion and municipal wastewater treatment systems \$4.167 billion in capital expenditures; and

WHEREAS, due to the state of the economy in the State of Florida and the United States as a whole, it will be a hardship for many Florida counties and municipalities to implement the costly modifications needed to comply with the EPA's new criteria; and

WHEREAS, Miami-Dade County and many other state and local agencies responsible for protecting Florida's water have raised serious concerns about the methodology EPA used to develop these numeric nutrient standards; and

WHEREAS, these numeric standards fail to adequately take into account the diversity of Florida's streams, rivers and lakes and the extremely restrictive criteria will be fiscally impractical to meet, resulting in an adverse impact to Florida's overall economy,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature, the Florida congressional delegation and others to demand that any statewide numeric nutrient criteria be established through a science-driven process with adequate time to address concerns of regulated entities and with an appropriate, realistic time frame for achieving compliance.

Section 2. Urges other state and local agency officials to contact their state and federal representatives and request that they demand a water quality standard that is based on science, and not an arbitrary number, to determine a water body's pollutant level.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to Governor, Senate President, House Speaker and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 4. Directs the County's federal and state lobbyists to advocate for the County's position as set forth in Sections 1 & 2 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2011 and/or 2012 State and Federal Legislative Package.

The Prime Sponsor of the foregoing resolution is Commissioner Lynda Bell. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

	Joe A. Martinez, Chairman
	Audrey M. Edmonson, Vice Chairwoman
Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of April, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. SED

Sarah E. Davis