MEMORANDUM

Agenda Item No. 11(A)(34)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	November 1, 2016
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Resolution opposing the Florida Department of Environmental Protection's efforts to weaken of the Human Health-Based Water Quality Criteria; and urging the United States Environmental Protection Agency to disapprove Florida's proposed Human Health-Based Water Quality Criteria

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.

Abigail Price-Williams
County Attorney

APW/cp

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 1, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(34)

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**

_____ **Statement of social equity required**

_____ **Ordinance creating a new board requires detailed County Mayor'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
Veto _____
Override _____

Agenda Item No. 11(A)(34)
11-1-16

RESOLUTION NO. _____

RESOLUTION OPPOSING THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S EFFORTS TO WEAKEN THE HUMAN HEALTH-BASED WATER QUALITY CRITERIA; AND URGING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO DISAPPROVE FLORIDA'S PROPOSED HUMAN HEALTH-BASED WATER QUALITY CRITERIA

WHEREAS, because clean water is vital to the health of Florida's environment, residents, and economy, this Board strives to provide County residents and visitors clean water for all uses and activities; and

WHEREAS, on July 26, 2016, the Florida Environmental Regulation Commission (ERC), by a vote of 3-2, approved the Florida Department of Environmental Protection's (FDEP) proposed Human Health-Based Water Quality Criteria ("Water Quality Criteria"); and

WHEREAS, the two ERC board seats representing environmental interests and local government interests remain vacant; and

WHEREAS, the new Water Quality Criteria regulates an additional 39 chemicals and updates 43 chemicals currently regulated by FDEP; and

WHEREAS, some of the updated chemicals allow an increase of toxic and/or carcinogenic chemical limits to be dumped in Florida waters; and

WHEREAS, such water bodies are used as sources of drinking water, shellfish harvesting, fishing and swimming; and

WHEREAS, increasing the amount of these toxic chemicals in our waterways will likely increase Floridians' risk of developing cancer, nervous and immune system disorders, birth defects and other serious diseases; and

WHEREAS, this further degradation of our waters from these toxic chemicals allowed by the approved criteria would increase the risk of residents developing cancer to nearly one in 10,000 individuals per chemical for individuals who eat Florida-caught seafood daily, such as subsistence fishermen and tribal communities, and to one in 100,000 for individuals who eat Florida-caught seafood on a weekly basis; and

WHEREAS, allowing an increased cancer risk of one in 10,000 for subsistence fishermen results in disproportionate impacts to this already vulnerable population; and

WHEREAS, this rule change is inconsistent with Florida State rules and with Miami-Dade County's Ordinance with respect to regulation of toxins in potable water; and

WHEREAS, other Florida rules as well as Miami-Dade County's Ordinance set allowable limits for the protection of human health based on a one in one million cancer risk, rather than the new rule's allowance of one in 10,000 people to develop cancer from eating seafood or drinking an average amount of water daily; and

WHEREAS, the weakening of Florida's Water Quality Criteria will likely encourage more industrial discharge of new highly polluting industrial activities, such as oil and gas drilling, including fracking operations; and

WHEREAS, passage of the new Water Quality Criteria will likely harm Florida's wildlife and environment as well as Florida's tourism, recreational and commercial fishing industry, real estate, and water-based economy; and

WHEREAS, although FDEP has held 11 workshops statewide during the draft development, none were conducted in Miami-Dade or Broward Counties, and only three meetings were held on the final rule, none of which were in South Florida; and

WHEREAS, this Board, along with many local governments and organizations, is not satisfied with FDEP's documentation and explanation of the new standards; and

WHEREAS, FDEP published one legal notice in the Florida Administrative Register that was described by the Florida Joint Administrative Procedures Committee as "incomprehensible to the general public"; and

WHEREAS, the United State Environmental Protection Agency (EPA) must review and either approve or disapprove FDEP's Water Quality Criteria; and

WHEREAS, this Board finds that FDEP's weakening of water quality standards for toxic chemicals would allow an increase in the discharge of toxic chemicals into Florida waters and urges EPA to disapprove the standards as they are not in the best interest of the health, safety and welfare of County residents,

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

Section 1. Opposes the Florida Department of Environmental Protection's efforts to weaken the Human Health-Based Water Quality Criteria.

Section 2. Urges the United States Environmental Protection Agency to disapprove Florida's Human Health-Based Water Quality Criteria.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Chair and Members of the Miami-Dade County State Legislative Delegation, Administrator of the United States Environmental Protection Agency, and the Director of the Florida Department of Environmental Protection.

Section 4. Directs the County's state lobbyists to advocate for the action set forth in Section 1 above, and directs the County's federal lobbyists to advocate for the action set forth in Section 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 Federal and State Legislative Packages to include this item and to include this item in the 2017 Federal and State Legislative Packages when they are presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. 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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of November, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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. APP

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