

# MEMORANDUM

Amended  
Agenda Item No. 11(A)(2)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

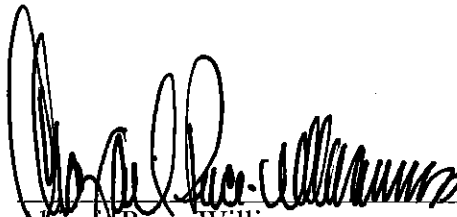
**DATE:** February 6, 2018

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution directing the  
County Attorney's Office,  
on behalf of Miami-Dade  
County, to take action in the  
administrative proceeding  
challenging the Florida  
Department of Environmental  
Protection's proposed revisions  
to its water-quality

Resolution No. R-131-18

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava and Co-Sponsor Vice Chairwoman Audrey M. Edmonson.



Abigail Price-Williams  
County Attorney

APW/smm

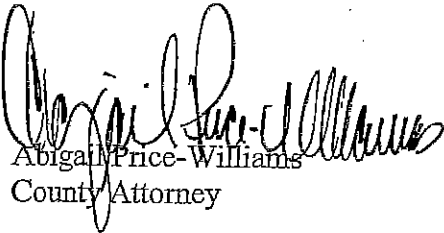


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** February 6, 2018

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Abigail Price-Williams  
County Attorney

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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
- 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 \_\_\_\_\_

Amended  
Agenda Item No. 11(A)(2)  
2-6-18

RESOLUTION NO. R-131-18

RESOLUTION DIRECTING THE COUNTY ATTORNEY'S  
OFFICE, ON BEHALF OF MIAMI-DADE COUNTY, TO TAKE  
ACTION IN THE ADMINISTRATIVE PROCEEDING  
CHALLENGING THE FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION'S PROPOSED REVISIONS  
TO ITS WATER-QUALITY STANDARDS

**WHEREAS**, in the summer of 2016, the Florida Department of Environmental Protection ("FDEP") proposed revisions to water-quality standards governing drinking water and waters used for recreation, such as swimming and fishing (the "Proposed Rule"); and

**WHEREAS**, the water-quality standards set forth in the Proposed Rule would allow more contamination of water than is allowed under FDEP's current water-quality standards; and

**WHEREAS**, the Proposed Rule would be especially harmful to children and subsistence fishers; and

**WHEREAS**, Miami-Dade County actively works to ensure the protection of our water supply and has previously raised concerns about FDEP's proposed change in water-quality standards by passing Resolution No. R-1069-16 on November 1, 2016, which opposed FDEP's proposed change in water-quality standards and urged the U.S. Environmental Protection Agency to disapprove the proposed change; and

**WHEREAS**, the Seminole Tribe of Florida, the City of Miami, Florida Pulp & Paper Association Environmental Affairs, Inc., and Martin County each filed a petition with FDEP challenging the Proposed Rule; and

**WHEREAS**, the petitions are now consolidated into one proceeding before an Administrative Law Judge in the Florida Division of Administrative Hearings, with case numbers 16-4431, 16-4836, and 16-4875; and

**WHEREAS**, Broward County recently filed a motion to intervene in the consolidated proceeding so that it could raise arguments against the Proposed Rule, and no party opposed Broward County's intervention; and

**WHEREAS**, the parties in the proceeding assert a variety of arguments for why the Proposed Rule is invalid; and

**WHEREAS**, for example, the City of Miami and Broward County argue that there is no justification for lowering water-quality standards when doing so would increase health risks to Florida residents, including the risk of being exposed to greater amounts of carcinogens; and

**WHEREAS**, residents of Miami-Dade County would be exposed to the greater health risks created by these lower water-quality standards, should the Proposed Rule go into effect; and

**WHEREAS**, tourism in Miami-Dade County may also suffer, should the State of Florida's water-quality standards be lowered to allow more contamination of drinking water and recreational waters than is currently allowed; and

**WHEREAS**, a final hearing in the administrative proceeding challenging the Proposed Rule is scheduled for April 23, 2018, through April 27, 2018; and

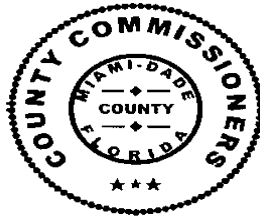
**WHEREAS**, this Board wishes to protect Miami-Dade County's residents and defend the County's interests by presenting argument in the administrative proceeding,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board, in furtherance of the Board's prior position set forth in Resolution No. R-1069-16 regarding the Florida Department of Environmental Protection's proposed revisions to its water-quality standards, hereby requests that the County Attorney's Office, on behalf of Miami-Dade County, take action in the administrative proceeding challenging the proposed revisions to water-quality standards. The authority to proceed in any appeals of this proceeding shall require future approval by this Board.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava and the Co-Sponsor is Vice Chairwoman Audrey M. Edmonson. It was offered by Commissioner **Daniella Levine Cava**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

	Esteban L. Bovo, Jr., Chairman	aye	
	Audrey M. Edmonson, Vice Chairwoman	aye	
Bruno A. Barreiro	absent	Daniella Levine Cava	aye
Jose "Pepe" Diaz	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	aye
Jean Monestime	absent	Dennis C. Moss	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 6<sup>th</sup> day of February, 2018. 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: Christopher Agrippa  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

CJW

Abbie Schwaderer-Raurell  
Christopher J. Wahl

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