

TAB 13



City of Palmetto Agenda Item

Meeting Date

Presenter: Mayor Bryant/Mark P. Barnebey,
City Attorney

Department:

Title: Resolution 2010-30 Opposing Numeric Nutrient Water Quality Standards

Background:

The Environmental Protection Agency is proposing new rules dealing with numeric nutrient standards. These are expected to be approved as soon as October 15, 2010

Discussion:

While the City acknowledges the need for rules to maintain high water quality standards throughout the State, the proposed rules which do not appear to be based on scientific review of water quality and will result in standards that are technically and fiscally impossible to meet by the City, businesses and residents of the City. Several local governments in the State have approved similar resolutions.

Budgeted Amount: **Budget Page No(s):** **Available Amount:** **Expenditure Amount:**

Additional Budgetary Information:

Funding Source(s): **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:**

City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A

Potential Motion/Direction Requested:

Staff Contact:

Attachments:

RESOLUTION 2010-30

**A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA
OPPOSING THE PROPOSAL BY THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY TO ENACT
NEW NUMERIC NUTRIENT WATER QUALITY
STANDARDS TO BE APPLICABLE FOR ALL LAKES,
STREAMS AND OTHER FLOWING CLASS III WATERS
LOCATED IN AND ADJACENT TO THE STATE OF
FLORIDA AS AN AMENDMENT TO 40 CFR PART 131.43
AND THE CLEAN WATER ACT, SECTION 303(c);
PROVIDING FOR REPEALER; PROVIDING AN EFFECTIVE
DATE**

WHEREAS, the City Commission of the City of Palmetto (City) recognizes the importance of clean waters to public health, aquatic life and long term recreational use, all of which are a critical part of the economy of the City and the State of Florida; and

WHEREAS, the City Commission acknowledges the need for rules to maintain the highest quality of waters throughout the State, but the Commission is concerned that the Environmental Protection Agency (EPA) is proposing arbitrary and extremely restrictive criteria that are derived as a result of a lawsuit as opposed to being based on scientific needs or technical procedures and that are technically and fiscally impractical to meet, thus resulting in adverse impacts to the state and local economy; and

WHEREAS, the EPA is proposing new rules dealing with numeric nutrient standards that will treat all waters throughout the State of Florida the same, even though Southwest Florida is significantly different from the rest of Florida; and

WHEREAS, the current proposal would unnecessarily and inappropriately negatively affect businesses and governments in the State, and, if approved, would not be in the best interests of the citizens of the State and the City of Palmetto.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PALMETTO:

SECTION 1. The City Commission of the City of Palmetto hereby opposes the proposal of the EPA subjecting the State of Florida to federal numeric nutrient criteria and requests our legislators in Washington DC, Tallahassee and at local levels to intervene and demand that statewide numeric nutrient criteria be established through a sound science-driven process that affords protection to the environment with adequate time to address concerns of regulated communities and with appropriate realistic time-frames for achieving compliance.

SECTION 2. The City Clerk is directed to forward a copy of this resolution to all members of the United States congress and the Florida Legislature representing the City of Palmetto and the Florida League of Cities and other cities with Manatee County.

SECTION 3. If any section, subsection, clause or provision of this resolution is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

SECTION 5. This Resolution shall take effect as provided for by City Charter, Section 14, upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Resolution by at least four (4) votes.

PASSED AND DULY ADOPTED, in regular session, by the City Commission of the City of Palmetto, with a quorum present and voting, this 27th day of September, 2010.

CITY OF PALMETTO, FLORIDA, BY
AND THROUGH THE CITY COMMISSION
OF THE CITY OF PALMETTO

By: _____
SHIRLEY GROOVER BRYANT, MAYOR

ATTEST: James R. Freeman
City Clerk

By: _____
City Clerk/Deputy Clerk