

1 House Memorial

2 A memorial to the Congress of the United States, urging
3 Congress to require the United States Environmental
4 Protection Agency to subject the proposed numeric nutrient
5 criteria for Florida to review by the agency's Science
6 Advisory Board and the Government Accountability Office or
7 the Congressional Budget Office.

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9 WHEREAS, nutrients are essential for the biological health
10 and productivity of Florida waters, and

11 WHEREAS, a delicate relationship exists between the level
12 of nutrients in a water body and its health and productivity,
13 and

14 WHEREAS, increasing the level of nutrients in combination
15 with site-specific conditions can cause impairment to a water
16 body, and

17 WHEREAS, the establishment of numeric nutrient criteria in
18 a manner that fails to take into account site-specific factors
19 may result in criteria that lack adequate scientific support and
20 cause unintended environmental and economic consequences, and

21 WHEREAS, the United States Environmental Protection Agency
22 determined that the State of Florida's standards on acceptable
23 phosphorus and nitrogen levels in its waters need federal
24 intervention, even though Florida has one of the most advanced
25 water quality standards programs in the nation, and

26 WHEREAS, the Environmental Protection Agency proposed
27 numeric nutrient criteria for the state's streams, canals, and

28 lakes in January 2010 and intends to propose criteria for the
29 state's coastal waters and estuaries in January 2011, and

30 WHEREAS, the Environmental Protection Agency's schedule for
31 proposing and adopting statewide numeric nutrient criteria has
32 forced the agency to use a methodology that fails to fully take
33 into account the unique characteristics of Florida's many
34 thousands of rivers, streams, canals, and lakes, and

35 WHEREAS, for nearly 10 years, the Florida Legislature has
36 allocated millions of dollars to the state's Total Maximum Daily
37 Loads Program to scientifically evaluate the quality of
38 Florida's surface waters and promote the environmentally
39 beneficial projects necessary to clean up pollution, and

40 WHEREAS, the proposed numeric nutrient criteria ignore the
41 good work of, and may undermine, the state's science-based Total
42 Maximum Daily Loads Program, and

43 WHEREAS, the proposed numeric nutrient criteria will cause
44 severe negative repercussions with respect to alternative water
45 supply programs, including the beneficial reuse of reclaimed
46 water, and

47 WHEREAS, a study commissioned by the Florida Water
48 Environment Association Utility Council estimates that
49 wastewater utilities in the state will spend between \$24 billion
50 and \$51 billion in capital costs for additional wastewater
51 treatment facilities and incur increases in annual operating
52 costs between \$4 million and \$1 billion to comply with the
53 proposed numeric nutrient criteria, and

54 WHEREAS, such costs do not consider the economic
 55 implications to industrial and stormwater facilities and to
 56 agriculture which are likely comparable and additive, and

57 WHEREAS, the members of the Florida Legislature value the
 58 health of our waterways but also recognize that the proposed
 59 regulatory changes without adequate and flexible implementation
 60 mechanisms will have severe economic consequences on the state's
 61 agriculture, local governments, economically vital industries,
 62 small businesses, and residents living below the poverty level
 63 or on fixed incomes, and

64 WHEREAS, believing that regulatory changes should be based
 65 on reliable, sound scientific data and analysis, the Florida
 66 Legislature is concerned that the Environmental Protection
 67 Agency's failure to account for the full range of natural
 68 conditions in Florida in developing numeric nutrient criteria
 69 does not adequately address the unique characteristics of the
 70 state's many thousands of rivers, streams, canals, and lakes,
 71 NOW, THEREFORE,

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 73 Be It Resolved by the Legislature of the State of Florida:

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 75 That the Congress of the United States is urged to:

- 76 (1) Require the United States Environmental Protection
 77 Agency to subject the proposed numeric nutrient criteria for
 78 Florida to peer review by the agency's Science Advisory Board
 79 and receive the board's peer review report prior to finalization
 80 of the proposed rule to ensure that the numeric nutrient
 81 criteria developed for the state are necessary to protect

82 applicable designated uses, based on sound scientific rationale,
83 reflective of the range of natural variability associated with
84 the state's waters, responsive to input from Florida's water
85 quality experts, responsive to available public and stakeholder
86 input, and sufficient to be integrated with the water quality
87 management tools available to the state; and

88 (2) Require the United States Environmental Protection
89 Agency to subject the proposed numeric nutrient criteria for
90 Florida to review by the Government Accountability Office or the
91 Congressional Budget Office to assess the economic impact of the
92 proposed rule on Florida and adjoining states, particularly
93 including impacts to Florida's local governments, small
94 businesses, and residents living below the poverty level or on
95 fixed incomes, and further require that such review compare the
96 proposed rule to current law in Florida and not assume that
97 there will only be indirect impacts and that widespread
98 variances to the rule will be granted, as the agency assumed in
99 its own economic analysis.

100 BE IT FURTHER RESOLVED that copies of this memorial be
101 dispatched to the President of the United States, to the
102 President of the United States Senate, to the Speaker of the
103 United States House of Representatives, and to each member of
104 the Florida delegation to the United States Congress.