

By Senator Baker

20-01579A-10

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Senate Memorial

A memorial to the Congress of the United States,
urging Congress to encourage the United States
Environmental Protection Agency to work closely and
collaboratively with the State of Florida to establish
numeric nutrient criteria for the state's waters.

WHEREAS, the United States Environmental Protection Agency
determined that the State of Florida's caps on acceptable
phosphorus and nitrogen levels in its waters need federal
intervention and more stringent standards, even though Florida
has one of the most sophisticated water quality standards
programs in the nation, and

WHEREAS, the agency plans to propose increased numeric
nutrient water quality standards for the state's streams,
canals, and lakes by January 2010 and the state's coastal waters
by January 2011, and

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

WHEREAS, the study reports that such increases will cause
wastewater utility rates to double on average across the state,
placing an undue burden on the state and local governments, and
may have crippling effects on business development and job
creation, and

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30 WHEREAS, the members of the Florida Legislature value the
31 health of our waterways but also recognize that the proposed
32 regulatory changes will have severe economic consequences on
33 small businesses, which are the backbone of the state's economy
34 and struggling under the economic recession, and

35 WHEREAS, believing that regulatory changes should be based
36 on reliable, sound scientific data and analysis, the Legislature
37 is concerned that the Environmental Protection Agency's approach
38 in developing numeric nutrient criteria may lead to arbitrary
39 standards that do not consider the data collected and analyses
40 conducted by the state over several years to develop numeric
41 criteria under the Clean Water Act that are based on the best
42 available science and community input, and

43 WHEREAS, utilities in the state have made and are making
44 significant investments in reclaimed water infrastructure based
45 upon existing treatment standards that recognize the beneficial
46 nutrient uptake of plants that are irrigated with reclaimed
47 water and any new numerical standards should include these
48 environmental initiatives, NOW, THEREFORE,

49
50 Be It Resolved by the Legislature of the State of Florida:

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52 That the Congress of the United States is urged to
53 encourage the United States Environmental Protection Agency to
54 work closely and collaboratively with the State of Florida to
55 ensure that the numeric nutrient criteria developed for the
56 state are necessary to protect applicable designated uses, based
57 on sound scientific rationale, responsive to the specific needs
58 of the state's waters, responsive to available public and

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59 stakeholder input, and sufficient to meet the needs of the water
60 quality management tools available to the state.

61 BE IT FURTHER RESOLVED that copies of this memorial be
62 dispatched to the President of the United States, to the
63 President of the United States Senate, to the Speaker of the
64 United States House of Representatives, and to each member of
65 the Florida delegation to the United States Congress.