

**RESOLUTION NO. 2016-277**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AFFIRMING THE CITY'S OPPOSITION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ("FDEP") AND ENVIRONMENTAL REGULATION COMMISSION'S ("ERC") WEAKENING OF HUMAN HEALTH PROTECTIONS THROUGH NEW HUMAN HEALTH-BASED WATER QUALITY CRITERIA FOR OUR WATERS; URGING THE U.S. ENVIRONMENTAL PROTECTION AGENCY ("EPA") TO NOT APPROVE FLORIDA'S PROPOSED HUMAN HEALTH-BASED WATER QUALITY CRITERIA; DIRECTING THE APPROPRIATE CITY OFFICIALS TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE EPA, ALL STATE REPRESENTATIVES AND SENATORS REPRESENTING THE CITY OF COCONUT CREEK, THE OFFICE OF THE GOVERNOR, THE FLORIDA LEAGUE OF CITIES, AND THE BROWARD COUNTY LEAGUE OF CITIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Department of Environmental Protection (hereinafter "FDEP") is Florida's lead agency for environmental management, including protection of Florida's surface waters in accordance with Chapter 403, *Florida Statutes*, Chapters 62-302 and 62-303, *Florida Administrative Code*, and the Clean Water Act; and

**WHEREAS**, FDEP has revised its human health-based surface water quality criteria (hereinafter "HHC") to update the limits for 43 regulated chemical compounds and to adopt standards for 39 previously unregulated compounds; and

**WHEREAS**, FDEP held only three (3) public workshops in May 2016 during which the public expressed their concern with the proposed increases to chemical concentrations and the possible ramifications to public health and the health of our waterways, including the discrepancy between the United States Environmental

Protection Agency's ("EPA") and the FDEP's cancer risk measurements used to revise the standards; and

**WHEREAS**, on July 26, 2016, the Florida Environmental Regulation Commission (hereinafter "ERC") voted to approve FDEP's proposed rule changes through revisions to Chapters 62-302 and 62-303 of the Florida Administrative Code, thereby approving the new HHWQC, by a 3 to 2 vote, with two (2) vacant Commission positions; and

**WHEREAS**, recently it came to the City's attention that the two (2) vacant Commission seats on the ERC, an "environmental" seat and a "local government" seat, have remained unfilled and unoccupied for over a year; and

**WHEREAS**, in addition the City has learned that the new HHC is based on a new methodology which replaces the old deterministic approach with a new probabilistic approach; and

**WHEREAS**, such new approach results in a significant increase in the acceptable levels of currently regulated chemicals and known human carcinogens, such as Benzene, in Florida's water systems that will affect drinking water, shellfish harvesting, fishing and swimming; and

**WHEREAS**, the ERC's approved changes will allow an increase in the acceptable levels of toxic and/or carcinogenic chemicals that exceed the EPA's recommendations of acceptable levels; and

**WHEREAS**, the weakening of Florida's water quality standards may encourage more industrial discharge, including new highly polluting industrial activities such as oil and gas drilling (including fracking operations), to locate in Florida to the detriment of the safety of our state waters and the public; and

**WHEREAS**, such an important health-related decision impacting all of Florida should follow a fully transparent public discussion after the FDEP has provided all

documents and explanations regarding the impact of the decision at numerous workshops held around the state at times and locations that are convenient to most people; and

**WHEREAS**, the FDEP only held three (3) public workshops statewide, in a sequence of three (3) days: May 10, 11, and 12, 2016 to discuss these important changes; and

**WHEREAS**, none of the FDEP public workshops were held in South Florida, but rather were held in Stuart, Orlando, and Tallahassee; and

**WHEREAS**, the City Commission of the City of Coconut Creek strongly opposes any amendments to Chapters 62-302 and 62-303 of the Florida Administrative Code that increase the acceptable levels of chemicals and carcinogens in Florida waters and strongly encourages the EPA not to approve same.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:**

**Section 1:** That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

**Section 2:** That the City Commission of Coconut Creek hereby opposes the Florida Department of Environmental Protection’s proposed method for determining the new human health-based criteria which results in the increase of acceptable levels of known toxic chemicals and carcinogens.

**Section 3:** That the City Commission of Coconut Creek hereby finds that the public engagement process utilized by the Florida Department of Environmental Protection’s in considering such rule changes was insufficient and lacking.

**Section 4:** That the City Commission of Coconut Creek urges the U.S. Environmental Protection Agency not to approve any amendments to Chapters 62-302 and 62-303 of the Florida Administrative Code that increase the acceptable levels of chemicals and carcinogens in Florida waters.

**Section 5:** That the City Commission of Coconut Creek urges the U.S. Environmental Protection Agency to hold more public meetings, to accept public comment on the proposed rule changes.

**Section 6:** That the appropriate City officials are hereby authorized and directed to take any and all action necessary to effectuate the intent of this Resolution.

**Section 7:** That the City Clerk is hereby directed to transmit a copy of this Resolution to the U.S. Environmental Protection Agency, all federal and state Representatives and Senators representing the City of Coconut Creek, and Governor Rick Scott.

**Section 8:** That the City Clerk is hereby directed to transmit a copy of this Resolution to the Florida League of Cities and the Broward County League of Cities.

**Section 9:** That all resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 10:** That if any clause, section, or other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

**Section 11:** That this Resolution shall become effective immediately upon passage and adoption.

**Adopted this 10th day of November, 2016.**

\_\_\_\_\_  
Mikkie Belvedere, Mayor

Attest:

\_\_\_\_\_  
Leslie Wallace May, City Clerk

Belvedere Aye\_\_\_\_  
Rydell Aye\_\_\_\_  
Sarbone Aye\_\_\_\_  
Tooley Aye\_\_\_\_  
Welch Aye\_\_\_\_