

**RESOLUTION NO. 620-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, IN OPPOSITION TO THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S (EPA) PROPOSAL TO ENACT NEW STRINGENT NUMERIC NUTRIENT WATER QUALITY STANDARDS TO BE APPLICABLE FOR ALL LAKES, FLOWING WATERS, CLASS III WATERS, AND COASTAL WATERS THROUGHOUT AND ADJACENT TO THE STATE OF FLORIDA AS AN AMENDMENT TO 40 CFR, PART 131.43 AND THE CLEAN WATER ACT, AT SEC. 303(c); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

---

**WHEREAS**, the Orange City Council has become aware of proposed new rules dealing with the numeric nutrient content of various classes of waters located in and adjacent to the State of Florida; and

**WHEREAS**, although the City Council recognizes the critical importance of clean waters, it is believed that the rules currently under review have been proposed in reaction to a lawsuit filed against the EPA administrator by a number of environmental organizations in Florida alleging that the agenda had failed to comply with its responsibility under the Clean Water Act to force the State of Florida to expeditiously adopt numeric criteria; and

**WHEREAS**, while the City Council acknowledges the necessity of the adoption of new rules to maintain the highest quality of waters throughout the State of Florida, it appears that the deadlines proposed are really litigation driven as opposed to being based on scientific needs or technical procedures; and

**WHEREAS**, due to the above referenced litigation, the State of Florida is the only state that has been singled out by the EPA with these imminent deadlines and federal oversight; and

**WHEREAS**, the City Council believes that the extremely restrictive criteria the EPA is proposing will be fiscally impractical to meet, thus resulting in adverse economic impacts to the state's overall economy; and

**WHEREAS**, the current proposal treats all waters throughout the State of Florida the same even though East Central Florida is significantly different from the rest of Florida; and

**WHEREAS**, if this current proposal is approved, every major industry will be affected including agriculture, power generation, mining, seaports and even recreational facilities; and

**WHEREAS**, the City Council believes that the methodology utilized is arbitrary and that the current proposal is not in the best interests of the citizens of the State of Florida.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:**

**SECTION 1.** That the City Council of the City of Orange City hereby opposes the proposal of the EPA to enter into a consent order in the federal lawsuit subjecting the State of Florida to federal criteria; and respectfully request that our leaders in Washington, Tallahassee and at the local levels intervene and demand that statewide numeric nutrient criteria be established through a science-driven process with adequate time to address concerns of regulated communities and with appropriate realistic time-frames for achieving compliance.

**SECTION 2.** The City Council hereby requests that this resolution be sent directly to the EPA to be considered as public comment.


**SECTION 3.** This Resolution shall become effective immediately upon its adoption.

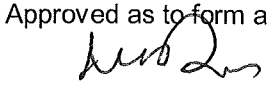
**ROLL CALL VOTE AS FOLLOWS:**

Gary A. Blair	<u>yes</u>	Jeff H. Allebach	<u>yes</u>
O William Crippen	<u>yes</u>	Tom Abraham	<u>yes</u>
Anthony Pupello	<u>yes</u>	Tom Laputka, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

**PASSED and ADOPTED** this 15<sup>th</sup> day of October, 2010.

**ATTEST:**  
  
Deborah J. Renner, CMC, City Clerk

**AUTHENTICATED:**  
  
Harley Strickland, Mayor

Approved as to form and legal sufficiency:  
  
William E. Reischmann, Jr., City Attorney