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RESOLUTION NO. 2016-68

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AFFIRMING THE VILLAGE'S OPPOSITION TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S WEAKENING OF RESTRICTIONS THAT WOULD ALLOW AN INCREASE IN THE RELEASE OF TOXIC CHEMICALS INTO FLORIDA'S WATERS; URGING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY NOT TO APPROVE THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S NEW RESTRICTIONS; SUPPORTING THE LAWSUIT FILED BY THE SEMINOLE TRIBE OF FLORIDA AGAINST THE DEPARTMENT OF ENVIRONMENTAL PROTECTION ("DEP") AND THE FLORIDA ENVIRONMENTAL REGULATION COMMISSION ("FERC") ON AUGUST 5, 2016 TO HALT THE INCREASE OF TOXINS IN FLORIDA'S WATER; OPPOSING ANY EFFORT BY THE DEP OR THE FERC TO OPPOSE THE SEMINOLE LITIGATION; DIRECTING THE APPROPRIATE VILLAGE OFFICIALS TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; DIRECTING THE VILLAGE CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS, THE FLORIDA LEAGUE OF CITIES AND THE MIAMI-DADE LEAGUE OF CITIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor Eugene Flinn)

WHEREAS, the Florida Department of Environmental Protection is Florida's lead agency for environmental management and has obligations that include protecting Florida's air, water, and land pursuant to Chapter 403, Florida Statutes; and

WHEREAS, on July 26, 2016, the Environmental Regulation Commission voted to approve a proposal from the Florida Department of Environmental Protection that would weaken the restrictions on the allowable levels of more than two dozen toxic chemicals that may be released in Florida's lakes, streams, and coastal waters through revisions to Chapters 62-302 and 62-303 of the Florida Administrative Code; and

WHEREAS, the approval of these restrictions would enable oil and gas drilling companies (including fracking operations), dry cleaning companies, pulp and paper producers, nuclear plants, wastewater treatment plants and other waste producers, to increase the amounts of cancer-causing toxins that they release in Florida's waterways; and

WHEREAS, the new restrictions include increasing the allowable levels of Benzene in Florida's drinking water, which is a cancer-causing petroleum byproduct used in hydraulic fracking and that has been known to cause leukemia, and increasing the allowable levels of

1 Dioxin, in Florida’s water supply that has been linked to cancer, damage to the skin and liver, as
2 well as nervous, immune and reproductive system damage; and
3

4 **WHEREAS**, according to the Orlando Sentinel, Florida State Senator Miguel Diaz de la
5 Portilla called for the Environmental Regulation Commission to reconsider its decision stating “I
6 cannot understand how allowing for the increase of not one, but multiple known cancer-causing
7 agents in our waterways throughout the state makes any logical sense,” and
8

9 **WHEREAS**, according to the Naples Daily News, Dr. Ron Staff, a Tallahassee allergist
10 and immunologist, voiced his opposition to the new standards stating that “the Department of
11 Environmental Protection should be pushing for even more stringent criteria than what we have
12 now rather than trying to weaken them. Your job is to protect Floridians, not to poison us,” and
13

14 **WHEREAS**, according to the Miami Herald, environmentalists argue that the Florida
15 Department of Environmental Protection’s cancer risk measurement would allow for toxin levels
16 that would increase the number of cancer victims to 1 in 100,000 people or in cases of people
17 who eat fish daily, 1 in 10,000, while United States Environmental Protection Agency standards
18 allow for toxin levels that could cause cancer in 1 in a million people; and
19

20 **WHEREAS**, the standards approved by the Environmental Regulation Commission on
21 July 26, 2016, will now go to the United States Environmental Protection Agency for final review
22 and approval; and
23

24 **WHEREAS**, the Village Council finds that opposing the Florida Department of
25 Environmental Protection’s weakening of restrictions that would allow an increase in the release
26 of toxic chemicals into Florida waters is in the best interest of the health, safety, welfare and
27 economics of the citizens and residents of the Village.
28

29
30 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE**
31 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA,**
32

33 **Section 1.** The foregoing “WHEREAS’ clauses are hereby ratified and confirmed as
34 being true and correct and are hereby made a specific part of this Resolution.
35

36 **Section 2.** The Village Council of the Village of Palmetto Bay hereby opposes the
37 Department of Environmental Protection Agency’s weakening of restrictions that would allow an
38 increase in the release of toxic chemicals into Florida’s waters. The Village Council further
39 supports The Seminole Tribe of Florida in their lawsuit against the Department of
40 Environmental Protection and the Florida Environmental Regulation Commission filed on
41 August 5, 2016 to halt the increase of toxic chemicals into the Florida’s waters, and rejects any
42 effort by the DEP and/or the FERC to oppose the Seminole litigation.
43

44 **Section 3.** The Village Council of the Village of Palmetto Bay hereby urges the United
45 States Environmental Protection Agency not to approve the Florida Department of
46 Environmental Protection’s new restrictions.
47

48 **Section 4.** The appropriate Village officials are hereby authorized and directed to take
49 any and all action necessary to effectuate the intent of this Resolution.

1 **Section 5.** The Village Clerk is hereby directed to transmit a copy of this Resolution to
2 the United States Environmental Protection Agency, the Florida Department of Environmental
3 Protection, the Miami-Dade County Commissioners, the Florida League of Cities and the Miami-
4 Dade League of Cities.

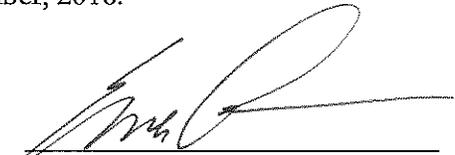
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6 **Section 6.** All Resolutions or parts of resolutions in conflict herewith are hereby
7 repealed to the extent of such conflict.

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9 **Section 7.** If any clause, section, other part or application of this Resolution is held by
10 any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it
11 shall not affect the validity of the remaining portions or applications of this Resolution.

12
13 **Section 8.** This Resolution shall become effective immediately upon its passage and
14 adoption.

15
16 PASSED AND ADOPTED this 12th day of September, 2016.

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20 Attest: 
21 Missy Arocha
22 Village Clerk


Eugene Flinn
Mayor

23
24
25
26 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
27 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

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29
30
31 
32 Dexter W. Lehtinen
33 Village Attorney

34
35
36
37 FINAL VOTE AT ADOPTION:

38
39 Council Member Karyn Cunningham YES
40
41 Council Member Tim Schaffer YES
42
43 Council Member Larissa Siegel Lara YES
44
45 Vice-Mayor John DuBois YES
46
47 Mayor Eugene Flinn YES