

**RESOLUTION 2011-10**

**A RESOLUTION OF THE CITY OF LAKE WALES, FLORIDA, REQUESTING THAT THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AFFIRMATIVELY CONSIDER AND GRANT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S PETITION REQUESTING THAT THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WITHDRAW ITS DETERMINATION THAT NUMERIC NUTRIENT CRITERIA ARE NEEDED IN ONLY FLORIDA; REPEAL FEDERALLY-PROMULGATED NUMERIC NUTRIENT CRITERIA FOR FLORIDA; DISCONTINUE PROPOSING OR PROMULGATING ADDITIONAL NUMERIC NUTRIENT CRITERIA IN FLORIDA; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lake Wales has long recognized the detrimental effects of the introduction of excessive amounts of nitrogen and phosphorus into the local surface waters surrounding the City; and

**WHEREAS**, annual analysis and review of the City's ambient surface water quality within all of its lakes has been ongoing since 2000; and

**WHEREAS**, the City of Lake Wales has supported the adoption and subsequent revisions to Section 403.067, Florida Statutes, concerning the implementation of the Total Maximum Daily Loads program in Florida; and

**WHEREAS**, the City of Lake Wales considers their actions to maintain and improve surface water quality within the City to be in close compliance with the intent of both the United States Environmental Protection Agency and the Florida Department of Environmental Protection Agency; and

**WHEREAS**, the Florida Department of Environmental Protection has reinitiated its own rulemaking process to adopt numeric nutrient criteria for Florida waterbodies; and

**WHEREAS**, the City of Lake Wales considers the actions of Florida city and county governments, the Florida Department of Environmental Protection and the Florida Legislature to be consistent with the key principles of a model state program for the reduction of nutrients as described in the Environmental Protection Agency's Memorandum to Regional Administrators of March 16, 2011; and

**WHEREAS**, the City of Lake Wales supports the Florida Department of Environmental Protection's Petition requesting that the United States Environmental Protection Agency rescind its determination that federal numeric nutrient criteria are needed in Florida and strongly requests that the United States Environmental Protection Agency consider this Petition

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF LAKE WALES, FLORIDA:**

**SECTION 1.** The City of Lake Wales hereby requests that the United States Environmental Protection Agency (EPA) affirmatively consider and grant the Florida Department of Environmental Protection's Petition requesting that EPA:

1. Withdraw its January 2009 determination that numeric nutrient criteria are necessary only in Florida;
2. Immediately initiate the repeal of 40 C.F.R. 131.49, providing for EPA-developed numeric nutrient criteria in Florida; and,
3. Discontinue proposing or promulgating further numeric nutrient criteria in Florida.

**SECTION 2.** The City Manager is hereby directed to forward a copy of this Resolution to EPA Administrator Lisa Jackson, Governor Rick Scott, State Senate President Michael Haridopolos and Speaker of the House of Representative Dean Cannon, the Florida Congressional Delegation, and the local state Legislative Delegation

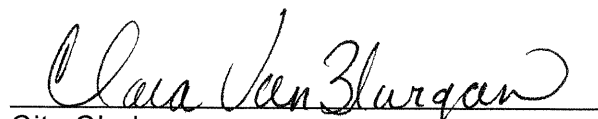
**SECTION 3.** The City Manager is hereby directed to forward a copy of this Resolution to the Florida League of Cities, the Florida Association of Counties and the Florida Stormwater Association.

**SECTION 4.** This Resolution shall take effect immediately upon adoption.

**APPROVED AND ADOPTED** by the City Commission of Lake Wales, Florida, on the 7th day of June, 2011.

  
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Mayor/Commissioner

ATTEST:

  
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City Clerk