

CITY COUNCIL AGENDA STATEMENT



Meeting Date: July 12, 2022

To: Honorable Mayor and Council Members

From: George Garrett, City Manager

Agenda Item: Resolution 2022-71, In Support Of Swift Progress On Florida Mainland Wastewater Treatment System Upgrades Affecting Waters Of The State Of Florida Including The Waters Surrounding The City Of Marathon And The Florida Keys National Marine Sanctuary; And Providing For An Effective Date.

BACKGROUND

The waters surrounding the City of Marathon, Florida and Florida Keys National Marine Sanctuary harbors a unique and valuable tropical marine ecosystem, including the only barrier coral reef in the continental United States.

In 1990 the United States Congress established the Florida Keys National Marine Sanctuary and Protection Act to protect the resources of the area, to educate and interpret for the public regarding the Florida Keys marine environment, and to manage human uses of the Sanctuary consistent with the Act.

The “Condition Report 2011 for the Florida Keys National Marine Sanctuary,” the most recent document of its kind, classified Sanctuary water quality as “fair” or “fair/poor” and not improving, biologically structured habitats (e.g., coral reefs and seagrass beds) as “fair/poor” and declining, biodiversity as “fair/poor” and declining, and key species (e.g., corals) as “poor” and not improving, and this was before onset of the devastating Stony Coral Tissue Loss Disease. Further, the Florida Keys National Marine Sanctuary and Protection Act also established the Sanctuary’s Water Quality Protection Program to identify and implement priority corrective actions within a compliance schedule to address point and nonpoint sources of pollution to maintain the chemical, physical, and biological integrity of the Sanctuary. The Water Quality Protection Program has identified inadequate wastewater treatment as a critical threat to the Sanctuary due to excessive nutrients which can drive and exacerbate algae blooms known to adversely impact benthic environments like seagrass meadows and coral reefs, harmful bacteria and other pathogens, and Emerging Contaminants of Concern, and

Monroe County Wastewater Legislation, Florida Statute Chapter 99-395 (currently 403.086 F.S.) required Florida Keys municipalities and wastewater utilities to provide Advanced Wastewater Treatment or Best Available Treatment (AWT / BAT) by 2015 and, to date more than 25,000 septic tanks and cesspits have been eliminated and residents have AWT / BAT wastewater treatment available after a significant investment of nearly \$1 billion to improve water quality in the Florida Keys. The City of Marathon, Florida only those on-site wastewater systems that are not practical to connect to the City’s central wastewater system remain unconnected and those remaining on-site wastewater systems have been individually upgraded to meet the current standards. The City met the statutory requirements of the law by the end of 2010.

The South Florida region’s estuarine and marine waters, including the Florida Keys, Florida Bay, the Southwest Florida shelf, and coastal waters off the Southeast Florida mainland, are connected by water currents as clearly evidenced by the spread of Stony Coral Tissue Loss Disease from its origin in Miami in 2014 through the entirety of Florida’s Coral Reef. The Florida Keys National Marine Sanctuary and Protection Act also established the Sanctuary Advisory Council comprised of sanctuary mangers, members of government agencies with overlapping management responsibilities for the Florida Keys environment, and representatives of local industries, commercial users, conservation groups, the marine scientific and educational community, recreational user groups, or the general public to assist in the development and implementation of the comprehensive management plan for the Sanctuary. The Sanctuary Advisory Council and the Water Quality Protection Program Steering Committee established the Florida Keys and South Florida Ecosystem Connectivity Team for the purpose of facilitating multi-agency and stakeholder collaboration related to Everglades restoration and other regional issues of importance to water quality, habitats, and living marine resources of the Sanctuary including sources of wastewater from the Florida mainland, and

Local governments across the state, including City of Arcadia, City of Everglades, City of Fort Myers, City of Cape Coral, City of Naples, Lee County, and Sarasota County have already designed or are currently designing and implementing upgrades to their wastewater treatment systems. The Florida Statutes 403.086 (10) requires the elimination of surface water discharge of domestic wastewater on a dependent time frame by no later than 2025 and the Florida Legislature through Senate Bill SB 64 and H 263 have required that coastal governments which discharge effluent, reclaimed ,or reuse water by surface water discharge to eliminate such practices by 2032, but not all of south Florida’s local governments are on track to meet these requirements., and

Finally, the USEPA provides low-cost loans administered by the State to municipalities and wastewater utilities to improve wastewater infrastructure through the State Revolving Fund,

CONSISTENCY CHECKLIST:

Yes No

- | | | |
|-------------------------------|-------|-------|
| 1. Comprehensive Plan | _X_ | _____ |
| 2. Other – 2010 Sewer Mandate | _____ | _X_ |

FISCAL NOTE:

NA

APPROVED BY FINANCE DIRECTOR:

NA

RECOMMENDATION:

Approval

**CITY OF MARATHON, FLORIDA
RESOLUTION 2022-71**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA IN SUPPORT OF SWIFT PROGRESS ON FLORIDA MAINLAND WASTEWATER TREATMENT SYSTEM UPGRADES AFFECTING WATERS OF THE STATE OF FLORIDA INCLUDING THE WATERS SURROUNDING THE CITY OF MARATHON AND THE FLORIDA KEYS NATIONAL MARINE SANCTUARY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the waters surrounding the City of Marathon, Florida and Florida Keys National Marine Sanctuary harbors a unique and valuable tropical marine ecosystem, including the only barrier coral reef in the continental United States, and

WHEREAS, in 1990 the United States Congress established the Florida Keys National Marine Sanctuary and Protection Act to protect the resources of the area, to educate and interpret for the public regarding the Florida Keys marine environment, and to manage human uses of the Sanctuary consistent with the Act, and

WHEREAS, the “Condition Report 2011 for the Florida Keys National Marine Sanctuary,” the most recent document of its kind, classified Sanctuary water quality as “fair” or “fair/poor” and not improving, biologically structured habitats (e.g., coral reefs and seagrass beds) as “fair/poor” and declining, biodiversity as “fair/poor” and declining, and key species (e.g., corals) as “poor” and not improving, and this was before onset of the devastating Stony Coral Tissue Loss Disease, and

WHEREAS, the Florida Keys National Marine Sanctuary and Protection Act also established the Sanctuary’s Water Quality Protection Program to identify and implement priority corrective actions within a compliance schedule to address point and nonpoint sources of pollution to maintain the chemical, physical, and biological integrity of the Sanctuary, and

WHEREAS, the Water Quality Protection Program has identified inadequate wastewater treatment as a critical threat to the Sanctuary due to excessive nutrients which can drive and exacerbate algae blooms known to adversely impact benthic environments like seagrass meadows and coral reefs, harmful bacteria and other pathogens, and Emerging Contaminants of Concern, and

WHEREAS, Monroe County Wastewater Legislation, Florida Statute Chapter 99-395 (currently 403.086 F.S.) required Florida Keys municipalities and wastewater utilities to provide Advanced Wastewater Treatment or Best Available Treatment (AWT / BAT) by 2015 and, to date more than 25,000 septic tanks and cesspits have been eliminated and residents have AWT / BAT

wastewater treatment available after a significant investment of nearly \$1 billion to improve water quality in the Florida Keys, and

WHEREAS, within, the City of Marathon, Florida only those on-site wastewater systems that that are not practical to connect to the City's central wastewater system remain unconnected and those remaining on-site wastewater systems have been individually upgraded to meet the current standards; and

WHEREAS, the City met the statutory requirements of the law by the end of 2010, and

WHEREAS, the South Florida region's estuarine and marine waters, including the Florida Keys, Florida Bay, the Southwest Florida shelf, and coastal waters off the Southeast Florida mainland, are connected by water currents as clearly evidenced by the spread of Stony Coral Tissue Loss Disease from its origin in Miami in 2014 through the entirety of Florida's Coral Reef, and

WHEREAS, the Florida Keys National Marine Sanctuary and Protection Act also established the Sanctuary Advisory Council comprised of sanctuary managers, members of government agencies with overlapping management responsibilities for the Florida Keys environment, and representatives of local industries, commercial users, conservation groups, the marine scientific and educational community, recreational user groups, or the general public to assist in the development and implementation of the comprehensive management plan for the Sanctuary, and

WHEREAS, the Sanctuary Advisory Council and the Water Quality Protection Program Steering Committee established the Florida Keys and South Florida Ecosystem Connectivity Team for the purpose of facilitating multi-agency and stakeholder collaboration related to Everglades restoration and other regional issues of importance to water quality, habitats, and living marine resources of the Sanctuary including sources of wastewater from the Florida mainland, and

WHEREAS, local governments across the state, including City of Arcadia, City of Everglades, City of Fort Myers, City of Cape Coral, City of Naples, Lee County, and Sarasota County have already designed or are currently designing and implementing upgrades to their wastewater treatment systems, and

WHEREAS, the Florida Statutes 403.086 (10) requires the elimination of surface water discharge of domestic wastewater on a dependent time frame by no later than 2025 and the Florida Legislature through Senate Bill SB 64 and H 263 have required that coastal governments which discharge effluent, reclaimed ,or reuse water by surface water discharge to eliminate such practices by 2032, but not all of south Florida's local governments are on track to meet these requirements, and

WHEREAS, the USEPA provides low-cost loans administered by the State to municipalities and wastewater utilities to improve wastewater infrastructure through the State Revolving Fund,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The Council:

1. Expresses the strongest possible support for Florida municipalities, counties, and wastewater utilities completing upgrades of wastewater treatment systems that employ Advanced Wastewater Treatment and Best Available Technology for disposal of resulting wastewater including monitoring of the impacts of reused water on the environment, and ultimately reducing flows of nutrients, harmful bacteria and other pathogens, and Emerging Contaminants of Concern through the South Florida ecosystem and into the receiving waters of the Sanctuary.
2. Urges Florida Municipalities, counties, and wastewater utilities to consider the State Revolving Fund and other sources of financial support for these purposes.

Section 3. The City Clerk is requested to transmit this Resolution to the Superintendent of the FKNMS, to the Region IV Administrator of the USEPA, to Governor, Ron DeSantis, to the Secretary of the Florida Department of Environmental Protection to and to appropriate county and municipal governments of South Florida.

Section 4. This Resolution shall become effective upon adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 12TH DAY OF JULY, 2022.

THE CITY OF MARATHON, FLORIDA

John Bartus, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:

Steve Williams, City Attorney