A RESOLUTION BY THE FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL IN SUPPORT OF REGULATORY AGENCIES ADDRESSING THE INJECTATE FROM SHALLOW WASTEWATER INJECTION WELLS ON STOCK ISLAND REACHING SURFACE WATERS

WHEREAS, on November 16, 1990, Congress designated the Florida Keys National Marine Sanctuary (FKNMS); and

WHEREAS, the Sanctuary is jointly managed by the National Oceanic and Atmospheric Administration (NOAA) Office of National Marine Sanctuaries and the Florida Department of Environmental Protection (FDEP) in partnership with Florida Fish and Wildlife Conservation Commission (FWC), Monroe County, and other governmental agencies; and

WHEREAS, the FKNMS is a national treasure and protects 4,539 square miles of unique and nationally significant marine resources, including most of one of the world's largest barrier reef ecosystems, 1.4 million acres of seagrass beds, 1,800 miles of mangrove-fringed shoreline, and more than 6,000 species of marine life, including sea turtles, manatees, and dolphins; and

WHEREAS, the FKNMS is an important economic driver and contributes $4.4 billion annually to the state's economy, with approximately 60% of the Florida Keys economy directly tied to marine-related activities; and

WHEREAS, the FKNMS resources, including coral reefs, seagrass beds, and some fish populations, have been on the decline for decades due to impacts from increased use, marine debris, lack of freshwater delivery to Florida Bay, intensifying storms, disease outbreaks, accelerated coral bleaching from rising ocean temperatures, ocean acidification, and water pollution; and

WHEREAS, the "Condition Report 2011 for the Florida Keys National Marine Sanctuary," (2011 Condition Report) 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

WHEREAS, concurrent with the establishment of FKNMS, Congress called on the Administrator of the Environmental Protection Agency (EPA) and the Governor of the State of Florida, in consultation with the Secretary of Commerce, to develop a Water Quality Protection Program (WQPP) for the FKNMS, the purposes of which are to: (A) recommend priority corrective actions and compliance schedules addressing point and nonpoint sources of pollution to restore and maintain the chemical, physical, and biological integrity of the Sanctuary, including restoration and maintenance of a balanced, indigenous population of corals, shellfish, fish and wildlife, and recreational activities in and on the water; and (B) assign responsibilities for the implementation of the program among the Governor, the Secretary of Commerce, and the Administrator of the

National Oceanic and Atmospheric Administration in accordance with applicable Federal and State law; and

WHEREAS, Congress required that the WQPP for the FKNMS would, under applicable Federal and State laws, provide for measures to achieve the purposes described above including, among other provisions, — (A) adoption or revision, under applicable Federal and State laws, by the State and the Administrator of applicable water quality standards for the Sanctuary, based on water quality criteria which may utilize biological monitoring or assessment methods, to assure protection and restoration of the water quality, coral reefs, and other living marine resources of the Sanctuary; (B) adoption under applicable Federal and State laws of enforceable pollution control measures (including water quality-based effluent limitations and best management practices) and methods to eliminate or reduce pollution from point and nonpoint sources; (C) establishment of a comprehensive water quality monitoring program; and

WHEREAS, Congress further required that the Administrator of the EPA, the Secretary of Commerce, and the Governor of the State of Florida shall ensure compliance with the WQPP for the FKNMS consistent with applicable Federal and State laws; and

WHEREAS, concurrent with the establishment of FKNMS, Congress required the establishment of the Sanctuary Advisory Council for the FKNMS (the SAC); and

WHEREAS, the SAC recognizes the biological, recreational, and commercial importance of the marine resources of the FKNMS, and that protecting FKNMS resources is valuable not only for the environment but also for the economy; and

WHEREAS, the SAC recognizes that the special marine resources of the region, which led to the area's designation as a National Marine Sanctuary, contribute to the high quality of life for residents and high-quality visitor experiences, and that without these unique marine resources, both quality of life and the economy of the Keys would decline; and

WHEREAS, in 2015, when it was discovered that wastewater injected into shallow disposal wells at the Florida Keys Aqueduct Authority’s Cudjoe Regional Wastewater Treatment Facility would emerge in surface waters, the Authority installed a deep injection well to prevent pollution of Sanctuary waters; and

WHEREAS, following documentation that wastewater from some of the City of Marathon’s shallow disposal wells was emerging in surface waters, the City is installing a deep wastewater injection well to prevent pollution of Sanctuary waters; and

WHEREAS, Friends of the Lower Keys (FOLKs) has produced scientific evidence that wastewater from K W Resort Utilities Corp’s shallow disposal wells is emerging in surface waters of the Florida Keys National Marine Sanctuary off Stock Island;

NOW, THEREFORE BE IT RESOLVED THAT THE FLORIDA KEYS NATIONAL MARINE SANCTUARY ADVISORY COUNCIL:

Requests that FKNMS and the relevant regulatory agencies, including the U.S. Environmental Protection Agency and Florida Department of Environmental Protection, expeditiously pursue corrective action to stop injectate from shallow wastewater injection wells on Stock Island from reaching surface waters; and requests that this resolution be forwarded to the Co-Chairs of the FKNMS Water Quality Protection Program Steering Committee.