



**MARLOWE & COMPANY**  
GOVERNMENT AFFAIRS CONSULTANTS

# Memo

**To:** Marlowe & Company Florida Clients  
**From:** John Harms and Michael Willis  
**Re:** Wastewater Pollution Standards in Florida: H.R. 2018: Clean Water Cooperative Federalism Act of 2011  
**Date:** June 29, 2011

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H.R. 2018: Clean Water Cooperative Federalism Act of 2011  
Sponsor: Rep. John Mica (R-FL); 35 cosponsors including Florida Rep. Steve Southerland

On May 26, Chairman Mica introduced a bill that would have an impact on the Clean Water Act and have specific implications for Florida communities. While this bill will affect every State in the nation, its impact on Florida is arguably the reason for its introduction, as it will prevent the Environmental Protection Agency (EPA) from implementing revised wastewater effluent standards in Florida. If passed, H.R. 2018 will prevent the EPA from implementing this new “numeric standard” by eliminating EPA’s ability to overrule State decisions regarding clean water standards and permitting.

The EPA is in the process of creating a numeric nutrient standard for nitrogen, phosphorus and other substances released into Florida waters. This new “numeric standard” would replace Florida’s current “narrative standard” that limits pollution to levels that will not cause “an imbalance in our natural populations of flora and fauna.” If the new “numeric standard” is too stringent, the many Florida communities that pump wastewater treated by a local wastewater treatment plant into Florida waters, such as the intracoastal, will be affected. In order to comply, these communities may have to incur large expenses to purchase new wastewater treatment equipment. EPA is expected to have their new “numeric standard” in place sometime in 2012 (depending on the amount of time taken for the public comment period).

Section 2 of this bill would eliminate the EPA’s ability to overrule State decisions regarding clean water standards and permitting. The Clean Water Act required all states to create their own water quality standards, which then had to be approved by the EPA. This bill would prohibit the EPA Administrator from creating new standards or revising existing standards for water pollution in a State.

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Last week, H.R. 2018 was marked up by the full Committee on Transportation and Infrastructure, which is chaired by Congressman Mica. While the bill has 35 cosponsors in the House, there is no timeline for when the bill will reach the House floor for a vote, or if it will even make it that far. There is also currently no similar legislation pending in the Senate. Critics of the bill say that it would undo almost 40 years of legislation by preventing EPA from enacting rules that would protect public health.

Please know that we will continue to keep you informed of all legislative actions that may affect your community.

The complete bill can be found here: <http://1.usa.gov/iKrbHJ>

*For further information on this issue, please contact your Marlowe & Company Team or email [legislation@marloweco.com](mailto:legislation@marloweco.com)*