

RESOLUTION NO. 21-82

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ATLANTIC BEACH, FLORIDA, EXPRESSING SUPPORT FOR ACTIONS TO STOP THE SHIPPING OF COAL ASH ON THE ST. JOHNS RIVER AND INTO JACKSONVILLE PORTS; ENCOURAGING ALL JACKSONVILLE PORT FACILITIES TO CEASE RECEIVING AND/OR REFUSE THE ACCEPTANCE OF COAL ASH; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the St. Johns River, Jacksonville beaches, and surrounding waterways are critical to the ecology, quality of life and economic vitality of Northeast Florida; and

WHEREAS, the recent barge accident off the coast of Jacksonville that resulted in the release of thousands of tons of imported coal ash into the ocean resulted in environmental and human health risk imposed upon Jacksonville communities by this disposal practice; and

WHEREAS, coal ash is a waste product from the burning of coal in power plants that contains toxic contaminants like mercury, cadmium, lead, selenium, and arsenic; and

WHEREAS, United States Environmental Protection Agency (EPA) and state regulations include requirements for proper management and disposal of coal ash to ensure protection of groundwater, surface water, and public health; and

WHEREAS, the United States Environmental Protection Agency indicates that, “[w]ithout proper management, these contaminants can pollute waterways, ground water, drinking water, and the air”; and

WHEREAS, the Puerto Rico legislature passed laws in 2017 banning the disposal of coal ash in its landfills due to serious health concerns, forcing the AES power plant to ship its coal ash to an Osceola County landfill; and

WHEREAS, the Osceola Board of County Commissioners voted on May 13, 2019, to request that Waste Connections of Osceola County, LLC, cease receiving coal ash from Puerto Rico at the JED Landfill in Osceola County; and

WHEREAS, the actions of the Osceola Board of County Commissioners resulted in coal ash being shipped on the St. Johns River into Jacksonville's port en route to a landfill in Folkston, Georgia; and

WHEREAS, as evidenced by the recent spill, this imported waste puts the health, of the St. Johns River and Jacksonville beaches at risk.

WHEREAS, coal ash spills in Jacksonville waterways can cause substantial harm to the ecology, local economy and the financial viability of businesses that rely on tourism and clean, safe waterways; and

WHEREAS, the City of Atlantic Beach is committed to being stewards of the environment and

supporters of the region's economic vitality, to the greatest extent possible; and

NOW THEREFORE, be it resolved by the City Commission of the City of Atlantic Beach, Florida:

SECTION 1. That the City Commission finds the foregoing to be true and accurate.

SECTION 2. That the City Commission expresses its support for actions to stop the shipping of coal ash on the St. Johns River and into Jacksonville ports and strongly encourages all Jacksonville public and private port facilities to cease receiving and/or refuse the acceptance of coal ash due to the potential harmful impacts to human health, and local waterways and beaches.

SECTION 3. That the City Commission encourages federal and state agencies to undergo a review of their emergency and notification procedures pertaining to the transport of and unauthorized discharge of coal ash and other waste products into oceans, rivers and other waterways.

SECTION 4. That the City Commission encourages federal and state agencies to be required to designate a public information officer following incidents involving the unauthorized discharge of coal ash and other waste products into oceans, rivers and other waterways.

SECTION 5. That the City Commission directs the City Clerk to transmit a copy of this Resolution to each member of the Jacksonville City Council, the Jacksonville Waterways Commission, the Governor of Florida, the Florida Legislature's Duval County legislative delegation, and the members of U.S. Congress representing Duval County.

SECTION 6. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

SECTION 7. That this Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Commission of the City of Atlantic Beach, this 13th day of December, 2021.

Attest:

Donna L. Bartle, City Clerk

Approved as to form and correctness:

Brenna M. Durden, City Attorney

Ellen Glasser, Mayor