

# \* Look Away

Water quality and a changing planet

*By Keith W. Rizzardi*





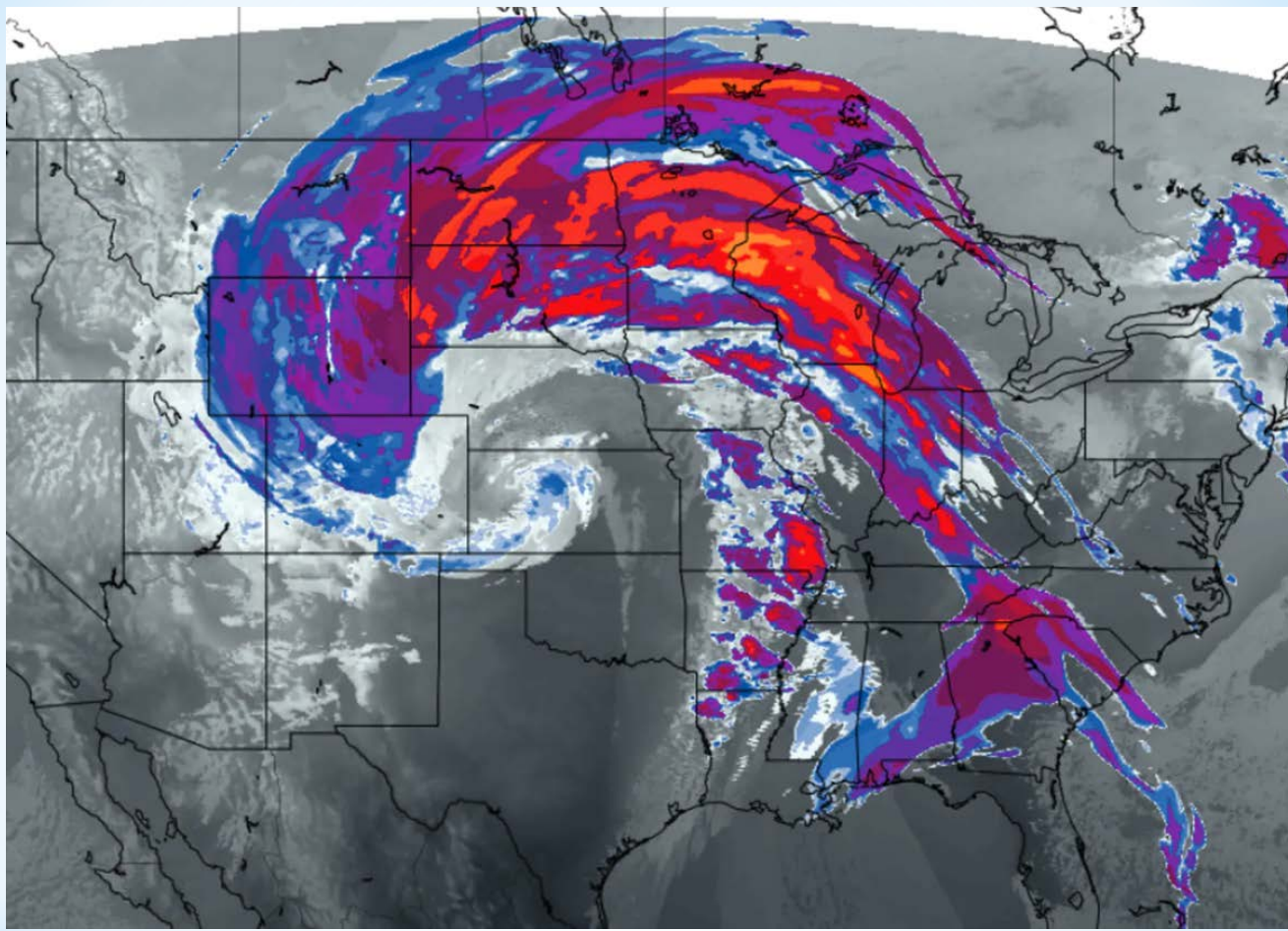
# \* Look away (Lemony Snicket/Netflix)



*This show will wreck your evening,  
your whole life and your day,  
every single episode is nothing but dismay...*

The first step in  
problem solving is...  
Recognition.

**\* Coastal adaptation?**



\* Storms are coming  
(Washington Post / NOAA)



10NEWS AT 7:00

CATEGORY 6?



CURRENTS

HEADLINES

HE SHOT JASON PHILPOT AND HIS FRIEND AFTER A METALLICA

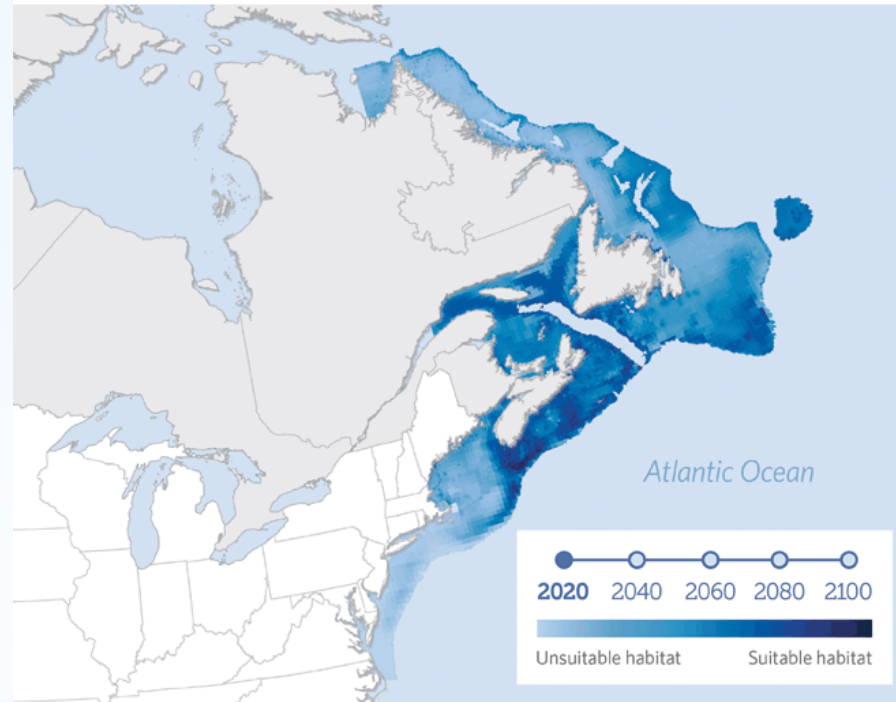
7:20

73°

\* Hurricanes are coming

(abc-10)

Projected Shift in Suitable Habitat for Atlantic Cod by 2100  
Under High-Emission Scenario

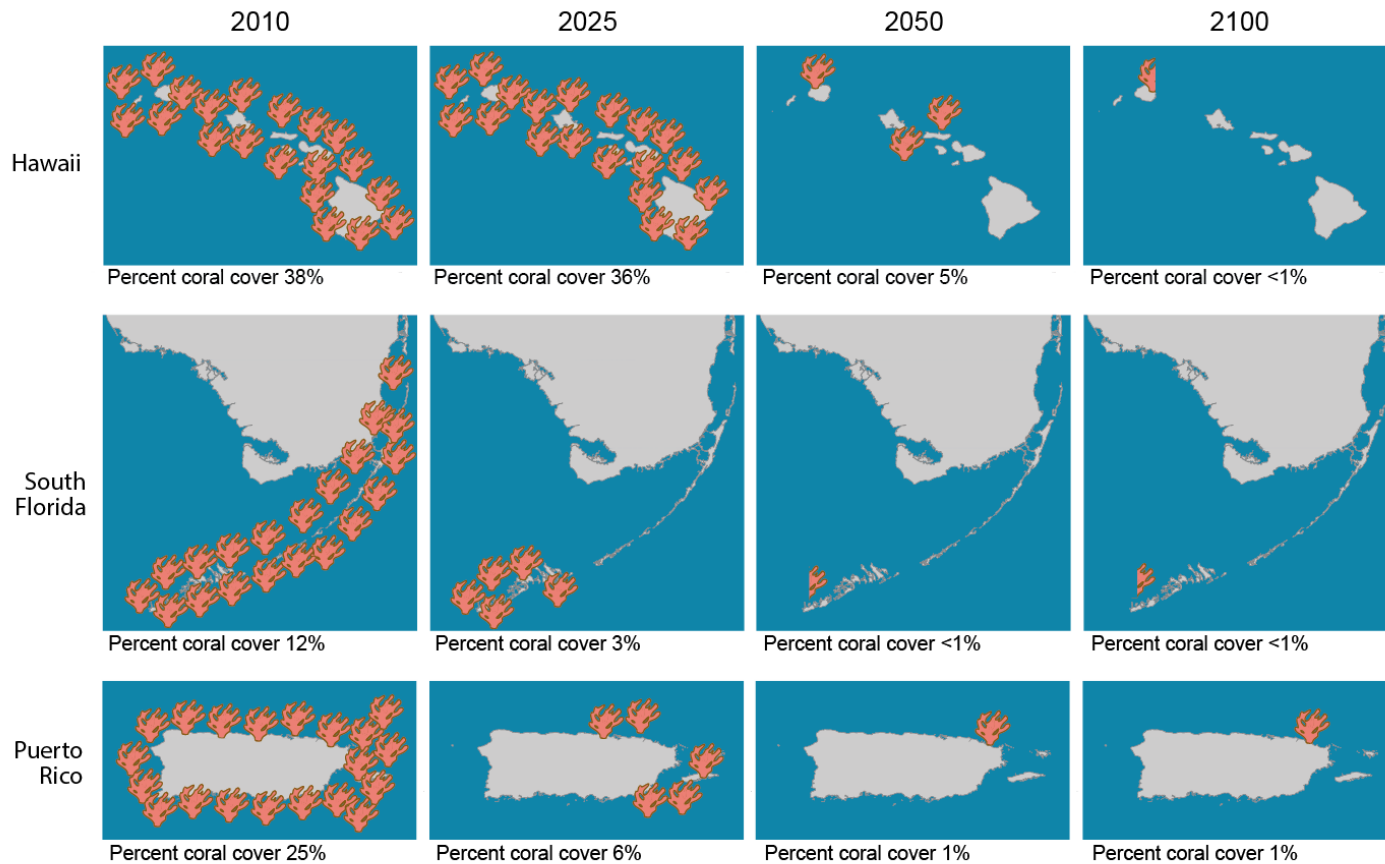


Source: Morley et al., 2018

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\* Migration is coming

(Pew Charitable Trusts)



For more information, visit EPA's "Climate Change in the United States: Benefits of Global Action" at [www.epa.gov/cira](http://www.epa.gov/cira).

**\*Extinction is coming (EPA)**




\* Algae is coming  
(RICHARD GRAULICH AP)





\* Int'l Law (WorldWaterDay 2018)



\* Water is a limited natural resource and a public good fundamental for life and health.

\* The human right to water is indispensable for leading a life in human dignity.

\* **A human right (UN CESCR 2002)**

\*The water required for each personal or domestic use must be safe...

\*...free from micro-organisms, chemical substances and radiological hazards that constitute a threat to a person's health.

**\*The right to clean H<sub>2</sub>O**

\*To protect people from “unsafe and toxic” water conditions...


\*states should “monitor and combat situations where aquatic ecosystems serve as a habitat for vectors of diseases wherever they pose a risk to human living environments.”

**\*The right to know**

The United States does not share the view that a “right to water” exists under international human rights law.

- \* Views of the United States of America on Human Rights and Access to Water Submitted to the Office of the United Nations High Commissioner for Human Rights (June 2007)

**\* USA: Look away (deny)**



\* We hereby recognize “the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights”

\* Resolution 64/292, General Assembly, Sixty-fourth session, 108th plenary meeting (Wed., 28 July 2010, 10 a.m.)

**\* Yes, a human right!**

“there is no right to water and sanitation in an international legal sense as described by the draft resolution.”

\* In notes of General Assembly, while abstaining from voting on the Resolution 64/292

**\* USA: Look away (abstain)**

\*The objective of this chapter is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

\*it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited

\* **Clean Water Act**  
**33 U.S.C. §1251**



\* States and federal agencies shall  
“establish, equip, and maintain a  
water quality surveillance system  
for the purpose of monitoring the  
quality of the navigable waters  
...”

\* **Water quality monitoring**  
33 U.S.C. §1254



(e) Grants prohibited to States not establishing water quality monitoring procedures or adequate emergency and contingency plans...

**\*Water quality monitoring**  
33 U.S.C. §1256(e)




Elements of a State Water  
Monitoring and Assessment  
Program

March 2003



*Elements of a  
State Water  
Quality  
Monitoring and  
Assessment  
Program*

\* EPA Guidance (2003)



\* “It is not EPA's intent to use the Elements document to withhold a State's Section 106 grant funds”

\* Transmittal Letter, Diane C. Regas, James A. Hanlan, Elements of a State Water Monitoring and Assessment Program, U.S. Environmental Protection Agency (Mar. 14, 2003).

\* **EPA: look away**

- \*Water quality must be:
  - \* “considered”
  - \* “adequately and accurately monitored,”
  - \* “using methods determined by the applicable water management district”
  - \* that otherwise “ensure protection” of a resource
  - \* or are “appropriate.”

**\* Florida Law (Ch. 373)**

statewide program to manage total maximum daily loads is discretionary by *must include monitoring* that is

- \* "sufficient"
- \* to evaluate "reasonable progress"
- \* and "as appropriate"

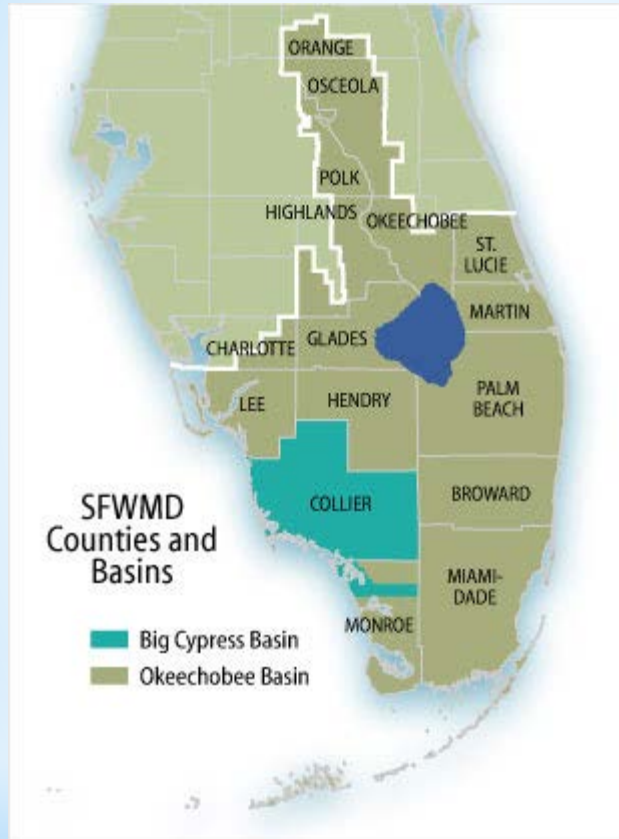
\* **Florida Law (Ch. 373)**



\* Implementation, in accordance with rules adopted under this paragraph, of practices that have been initially verified to be effective, or verified to be effective by monitoring at representative sites, by the department, *shall provide a presumption of compliance with state water quality standards ...*

\* Sec. 403.067(7)(c)3., Fla. Stat.

**\* FDEP: look away**



\* SFWMD: Look away



ENVIRONMENT

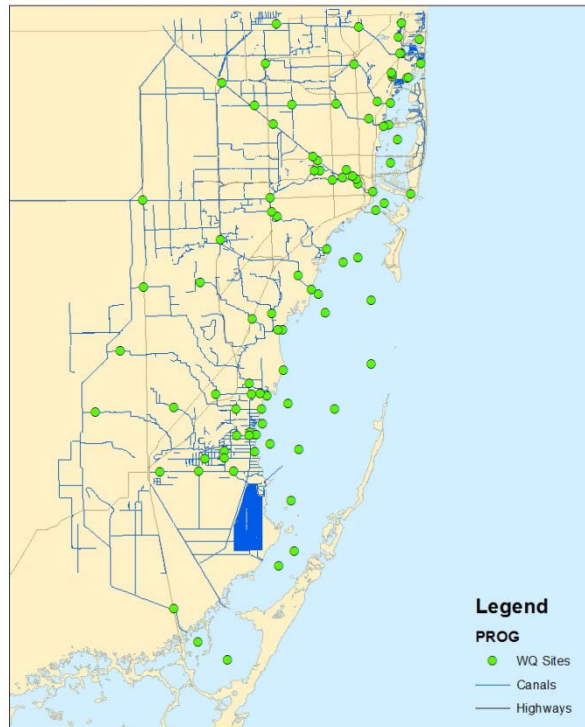
# As bouts with killer algae rose, Florida gutted its water quality monitoring network

BY JENNY STALETOVICH

AUGUST 06, 2018 03:25 PM, UPDATED AUGUST 07, 2018 10:20 PM

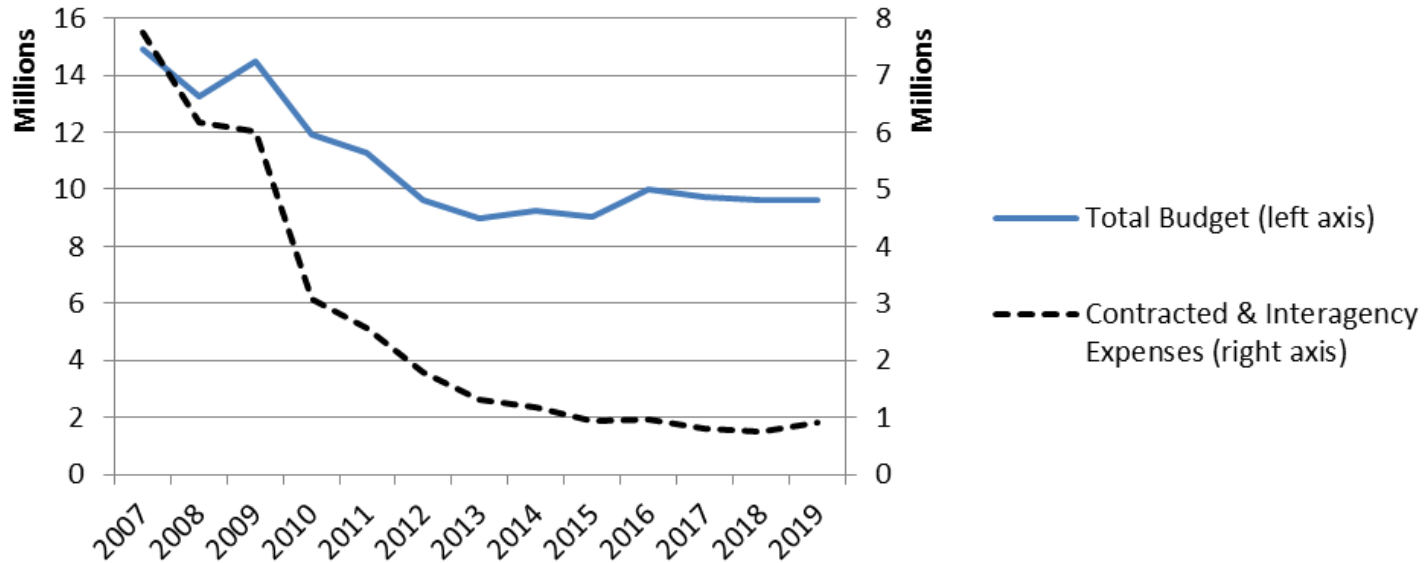


MIAMI-DADE COUNTY Biscayne Bay Surface Water Quality Sampling



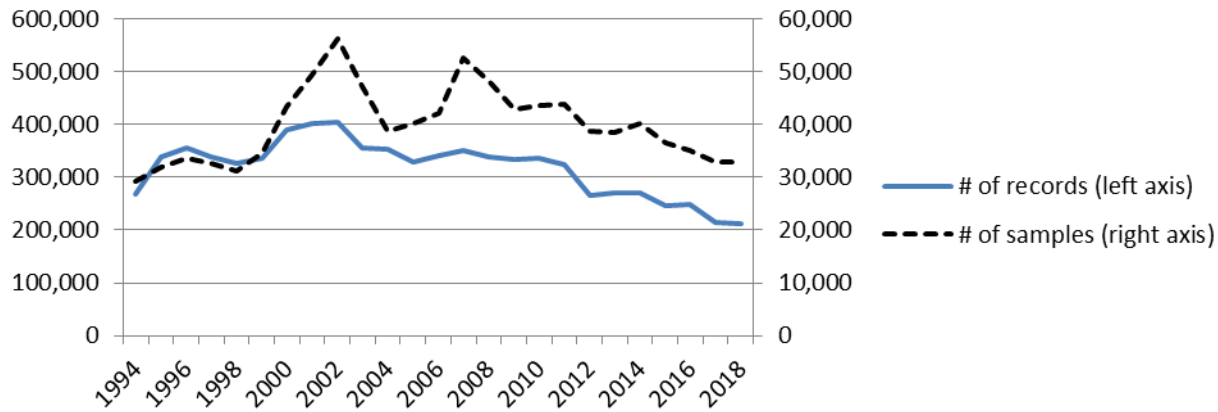
\* Fewer stations

## SFWMD Water Quality Monitoring Budget

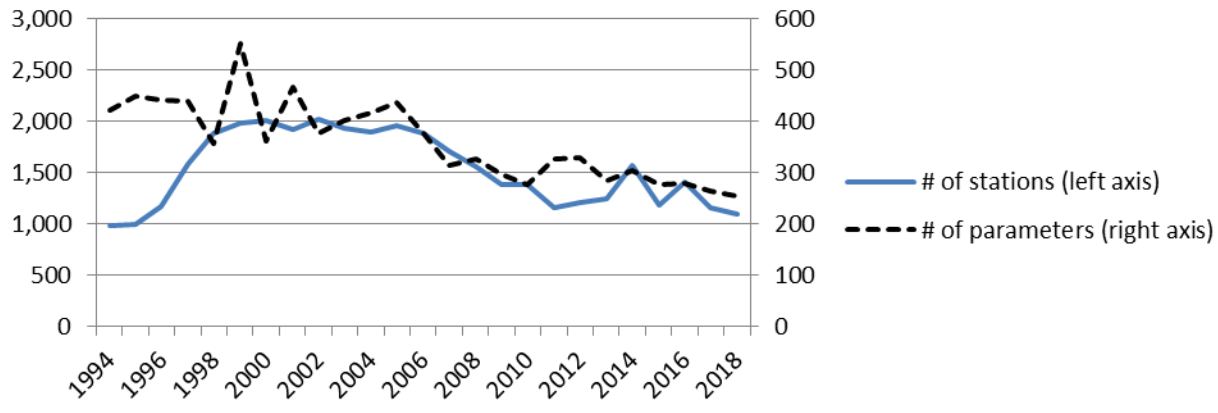


\* Lower budgets

### SFWMD DBHYDRO Data



### SFWMD DBHYDRO Data



\* Less data



# \* Citizen monitoring

(Palm Beach Post / Angari Foundation)



# \* Citizen monitoring

(Minnesota Pollution Control Agency)

\* “The results of such citizen monitoring shall not be used as evidence in any enforcement action.”

\* Virginia, VA Code Ann. § 62.1-44.19:11

**\* Virginia: Look away**

\* "The State Marine Board shall not instruct a volunteer group or any member thereof participating in the Oregon Adopt-a-River Program in the measurement of water quality, encourage any participant to measure water quality or include the measuring of water quality in the duties of any participant."

\* O.R.S. § 830.055(12)

**\* Oregon: look away**



\* Algae is coming

(RICHARD GRAULICH AP)





\*Change is coming

(Margo Robinson / WPBF)



\*Kelly Hanna

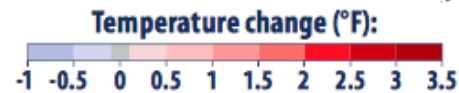
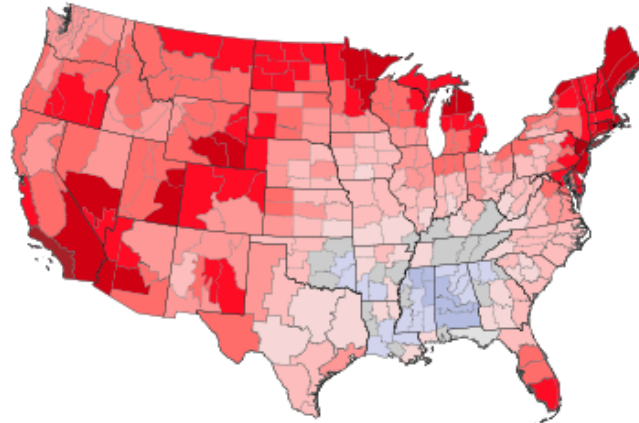
\*Michael Scognomillo

\*Kaitlyn Smith

\*Are we looking away?



\* Kelly:  
the pollution is coming  
(NASA)

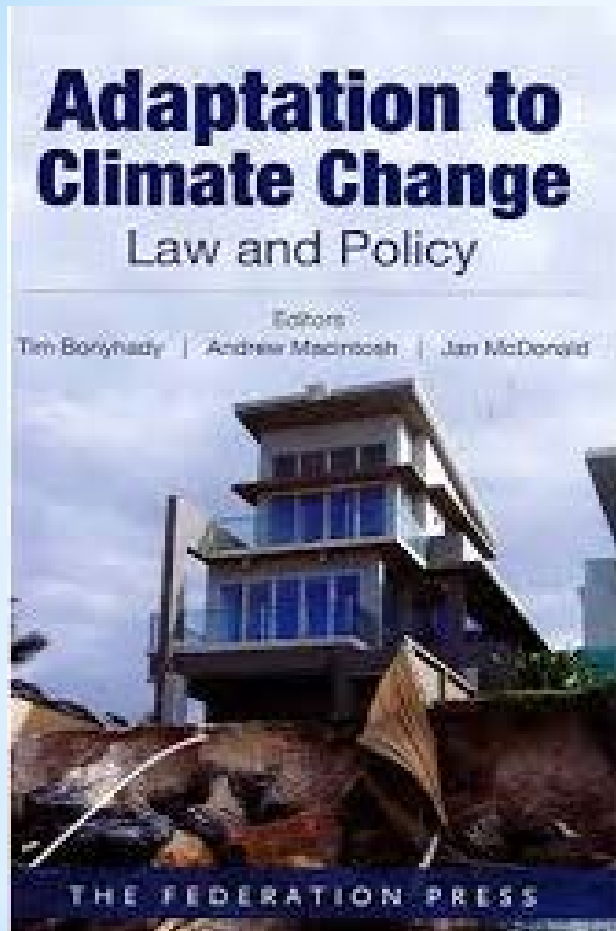


*Rising temperatures in the last century. North Carolina has warmed less than most of the United States. Source: U.S. EPA, Climate Change Indicators in the United States.*

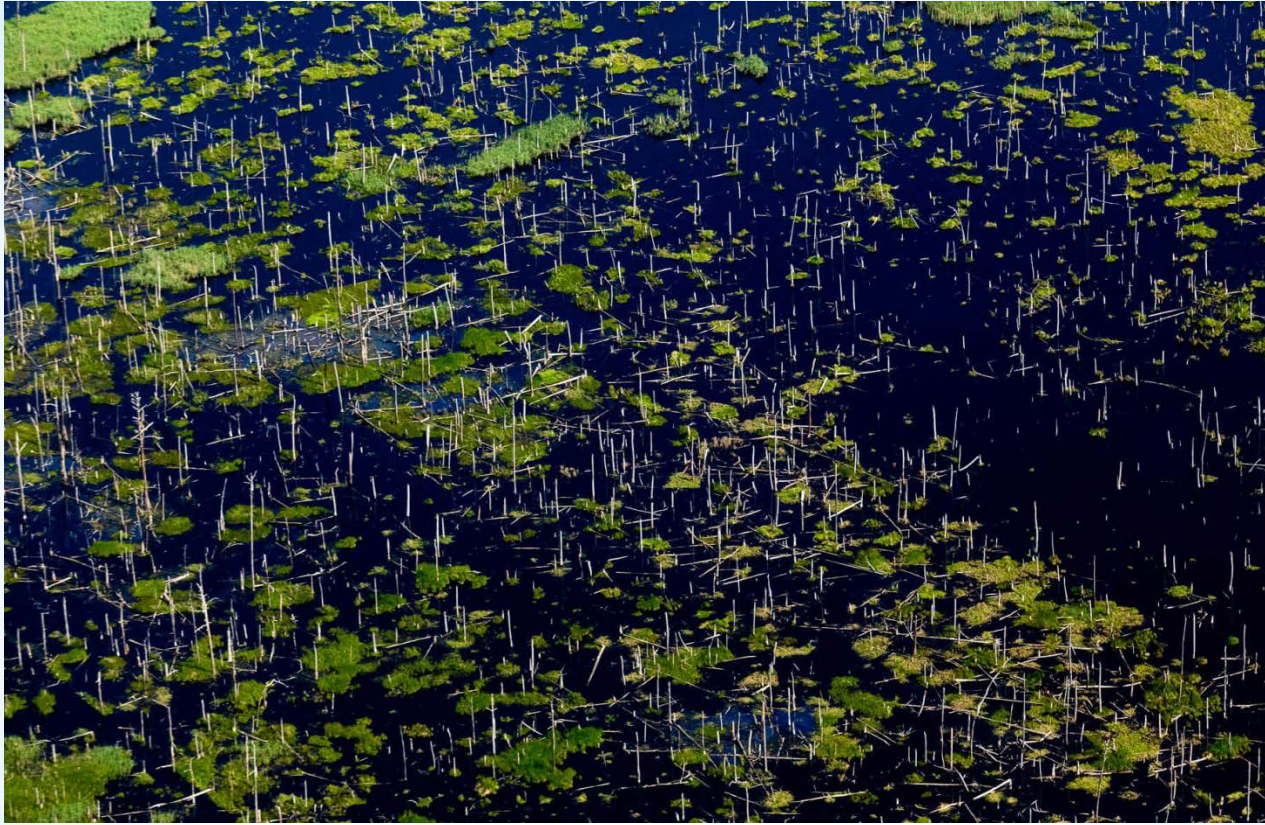
\* Michael:  
the insects are coming  
(EPA)



\* Kaitlyn:  
the salt water is coming  
(Woods Hole)



\* Jan McDonald:  
the ocean is coming  
(Federation Press)



\* Change is coming



\* Change is coming

(NOAA Lake Erie)

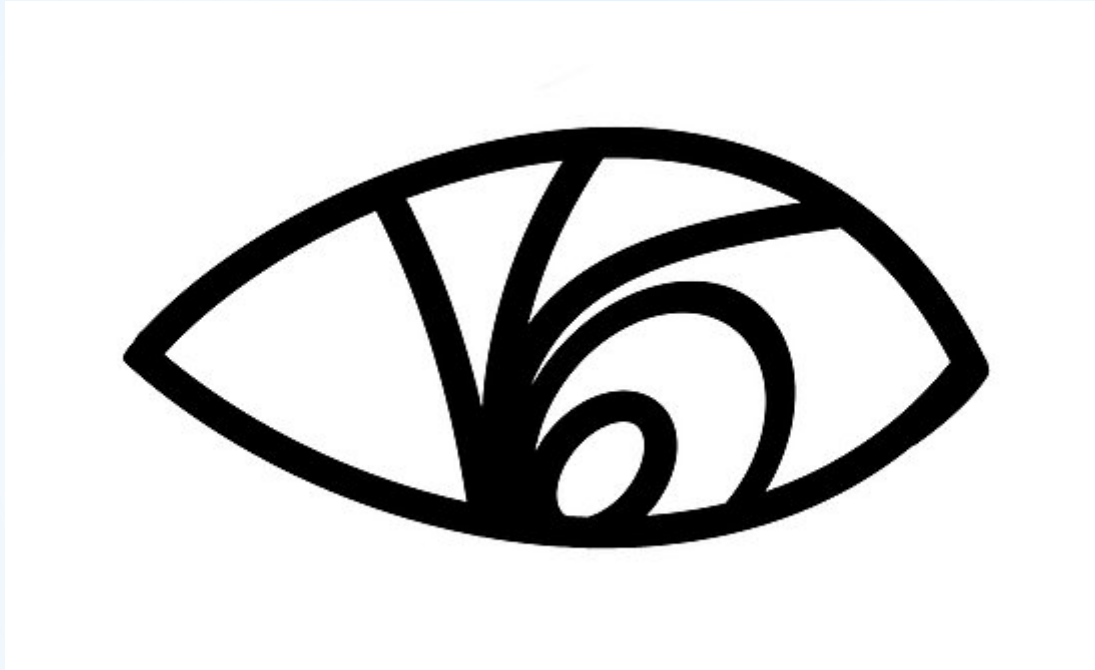




\* **Climate change:**  
*THE series of unfortunate events*  
(Limony Snicket/Netflix)



\* Look away?



# \* We are the VFD

Participate & Educate  
Insist on Investment  
Don't look away



[CLIMATE ACTION PLAN](#)

[RESOURCES](#)

[NEWS](#)

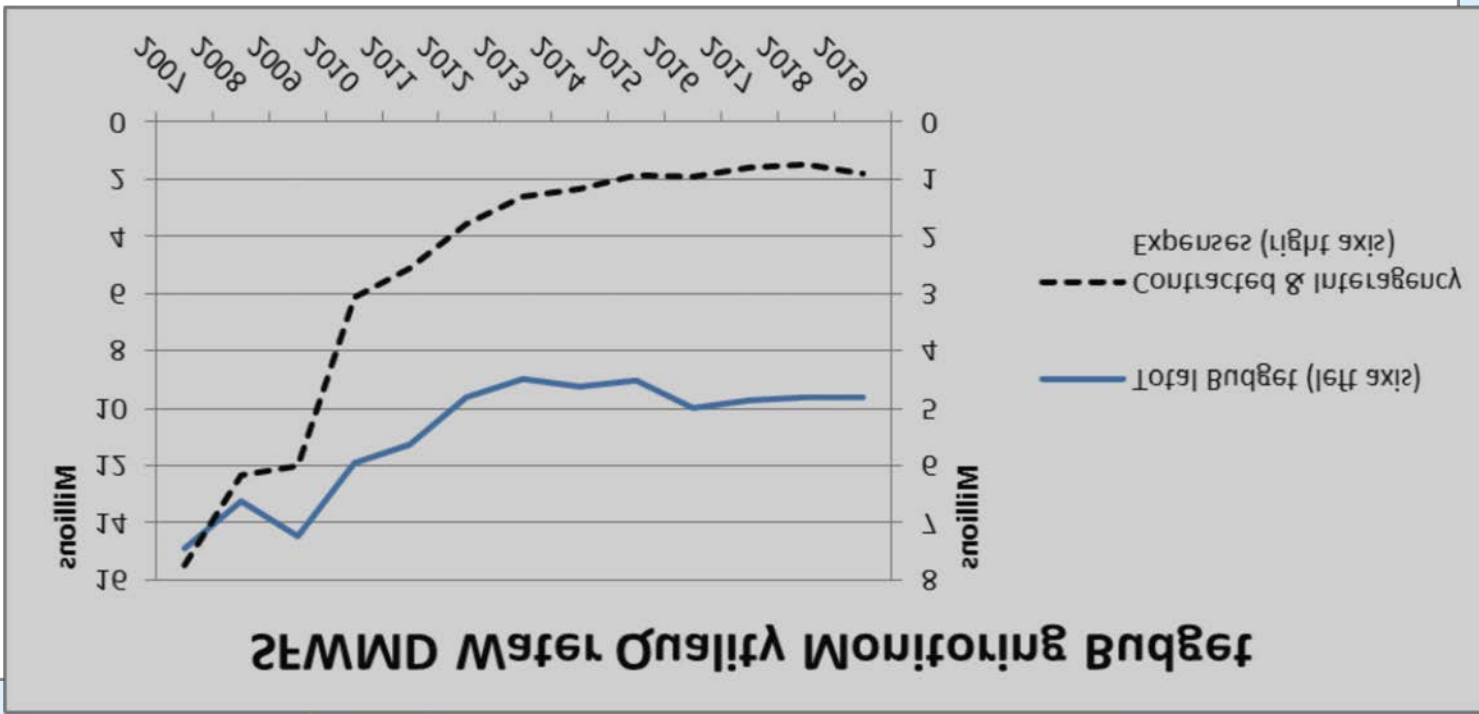
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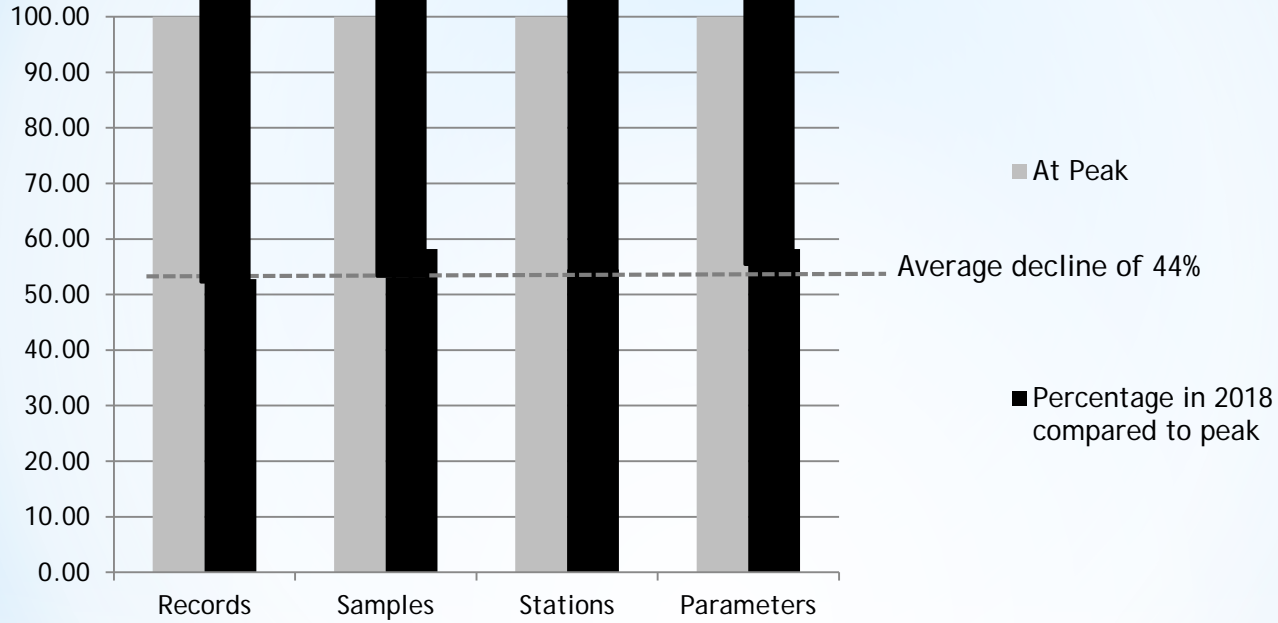


Regional Climate Action Plan  
Building Codes  
Procurement Policies  
Summits and Workshops  
Unified Science Reports

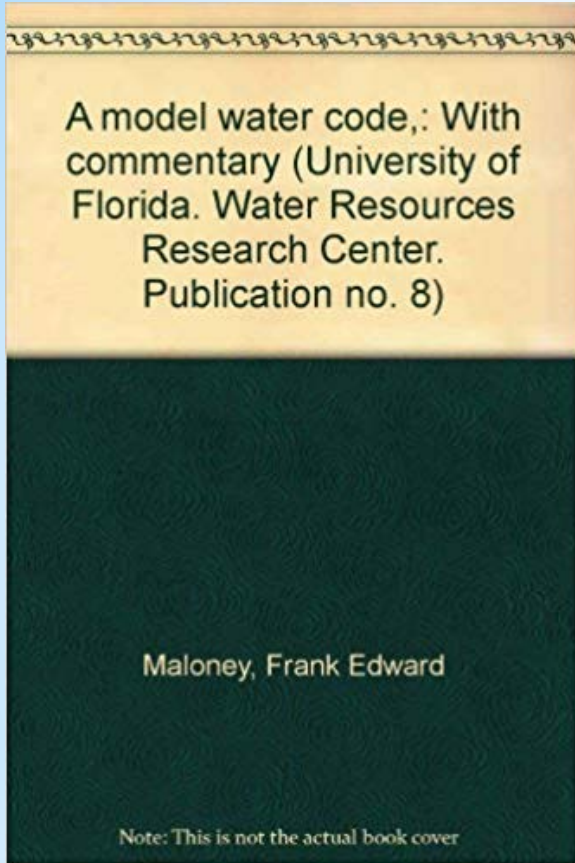


\* **Bigger budgets**

## SFV MID DBH DRO Data Declines



\* More data



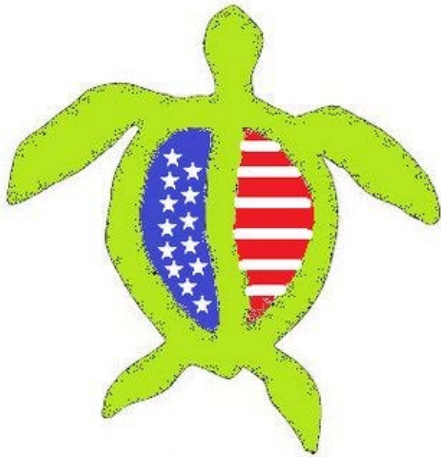
\* A new model code?



\* We have a duty to look



@keithinking



WATER POLLUTION AND  
THE DUTY TO KNOW  
forthcoming in Sea Grant  
Law Journal (Fall 2019)

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AMERICAN.

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SUSTAINABILITY

# Exxon Knew about Climate Change almost 40 years ago

A new investigation shows the oil company understood the science before it became a public issue and spent millions to promote misinformation

---

By Shannon Hall on October 26, 2015 [Véalo en español](#)



**Donald J. Trump** ✓

@realDonaldTrump



Following

The concept of global warming was created by and for the Chinese in order to make U.S. manufacturing non-competitive.

RETWEETS

24,831

LIKES

14,654



2:15 PM - 6 Nov 2012



\* Look away



\***Winter is coming**

**(Game of Thrones/HBO)**



\* Look away?

(Game of Thrones, HBO)