

608 WHITEHEAD STREET
KEY WEST, FLORIDA 33040

DAVID PAUL HORAN, P.A.\*
R. BRUCE WALLACE, P.A.
CARA A. HIGGINS, P.A.\*\*
DARREN M. HORAN
CARL R. STEVENS\*\*\*

April 17, 2014

(305) 294-4585
(305) 294-3488
FAX (305) 294-7822
FAX (305) 294-4593
\*ALSO MEMBER COLORADO BAR
\*\*ALSO MEMBER NEW JERSEY & PENNSYLVANIA BAR
\*\*\* ALSO MEMBER CALIFORNIA BAR

## OPEN LETTER TO THE BLUE PAPER

For the last 3 or 4 years, I have worked with the National Waste Foundation, PumpOut USA, the federal agencies, the state and the county to get a pump out program for Monroe County. We all agree that the #1 asset of Monroe County is having pristine waters. For many years the boating community of Monroe County have paid 50% extra on registration to help preserve our waters and our reef.

To date there are over 1,100 registered boaters signed up for the new Monroe County pumpout program. Many of boat owners are currently using their vessels as cheap workforce housing. When there was a pumpout fee they could not or would not pay. The Federal CVA grant that subsidizes 75% of the "free" pumpout project is paid by boaters throughout the USA. The initial \$340,000 payment included mobilization and for the year second year the County's portion will be \$329,000. The State portion is \$539,000 in maximum reimbursable funds funded by the Federal CVA grant. PumpOut USA only gets reimbursed for money that PumpOut USA has already spent.

PumpOut USA was not able to mobilize the project as planned for January 2013 because the State didn't sign the contract until Feb. which put the contract a month behind. It took over 3 weeks to mobilize 7 boats, 3 trucks and equipment for the project. The startup for this project was funded by PumpOut's individual investment of over \$400,000.

PumpOut USA went to Washington and worked with the federal clean vessel (CVA) grant manager and set up the program with Monroe County to fund the State of Florida under a CVA grant.

Starting out late, PumpOut had no customers and it took months to inform the boating community and sign people up on the program and start regular pumpouts. Now there are over 1,400 pumpouts per month. The reason the program keeps growing is the banners, stickers, and flyers PumpOut USA did to educate the boaters of Monroe County. PumpOut USA is only getting paid for 1,300 pumps per month. The program is funded only by boaters -- the taxpayers of Monroe County do not pay a penny for this program.

PumpOut USA employs 8 Captains. They all live here and support our community. PumpOut USA gets reimbursed for the usage of the pumpout boats – not the rental of the boats.

There have been some line Items in the Monroe County contract that have been maxed out and PumpOut has paid the remainder of those costs out their pocket.

The City of Key West charges PumpOut USA vessels \$25.00 to dispose of the accumulated sewage, \$350 per month for dockage and launch fees of \$10.00. Negotiations are underway to bring the City into the Monroe County program.

As could be expected, since the free pumpout program started, pumpouts have increased dramatically. If the FWC could enforce the laws that are presently in place (as the Blue Paper suggest), the PumpOut USA program would not be needed. All boaters would be required to pay whatever the charge would be or be subject to fines and/or confiscation of their vessels.

Finally, at 1400 pumpouts per month, Monroe County is providing free pumpouts to all county vessels for less than \$20.00 per month. As the number of pumpouts goes up, the price will continue to go down.

The Monroe County program is the "pilot project" for the State. On land, we are spending hundreds of millions of central collection and treatment for all of Monroe County. Providing mandatory (but free) pumpouts to vessels is and was what we need.

Respectfully

DAVID PAUL HORAN

P.S. My firm and I have not received any compensation for our work on this matter.