



# CITY OF ORMOND BEACH

22 South Beach Street • Ormond Beach, FL 32174 • (386) 677-0311 • Fax (386) 676-3330

October 23, 2009

Mr. Michael W. Sole, Secretary  
Florida Department of Environmental Protection  
3900 Commonwealth Blvd., M.S. 49  
Tallahassee, FL 32399

RE: Florida Water Quality Standards

Dear Mr. Sole:

At its meeting on October 20, 2009, the City of Ormond Beach City Commission approved Resolution No. 2009-176 requesting the Florida Department of Environmental Protection and Environmental Regulation Commission to consider reasonable, science-based amendments to the designated uses and classification system of surface water bodies while protecting the quality of Florida's waters. A copy of said resolution is attached.

If you have any questions, please free to contact me at 386-676-3340.

Sincerely,

Veronica Patterson, CMC  
City Clerk

Enclosure

RECEIVED

OCT 27 2009

DEP SECRETARY

**RESOLUTION 2009-176**

**A RESOLUTION SUPPORTING ACTIONS BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE ENVIRONMENTAL REGULATION COMMISSION TO CONSIDER REASONABLE, SCIENCE-BASED AMENDMENTS TO THE DESIGNATED USES AND CLASSIFICATION SYSTEM OF SURFACE WATER BODIES WHILE PROTECTING THE QUALITY OF FLORIDA'S WATERS; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature has granted the Florida Department of Environmental Protection ("FDEP") the power and duty to develop a comprehensive program for the prevention, abatement, and control of the pollution of the waters of the state; and

**WHEREAS**, the City of Ormond Beach shares the goal of preserving water quality with the Department, the US-EPA and all stakeholders; and

**WHEREAS**, waters that are overloaded with one or more pollutants are listed as "Impaired" following EPA requirements and Florida Law; and

**WHEREAS**, FDEP and the U.S. Environmental Protection Agency ("EPA") have developed a program to limit pollutant discharges to Impaired Waters to that amount a water body could receive without exceeding water quality standards, known as the Total Maximum Daily Loads ("TMDL") program; and

**WHEREAS**, developing these TMDL pollution limits has proven to be a very complicated, problematic, time-consuming and expensive process; and

**WHEREAS**, the TMDL development process has been hampered by litigation that has resulted in court-ordered schedules that did not sufficiently consider the complexities involved in the TMDL program; and

**WHEREAS**, many of the resulting TMDL limits proposed have been criticized as requiring unreasonable and unnecessary limits resulting in costs which are unproductive in terms of improving water quality; and

**WHEREAS**, neither the Congress of the United States nor the Legislature of the State of Florida have appropriated funds to local governments in amounts sufficient to ensure compliance with the requirements of the TMDL program; and

**WHEREAS**, there are many competing needs for every local community's financial resources such that due diligence must be used to ensure that the limited funding that is available is effectively applied; and

**WHEREAS**, failure to use such due diligence actually works against the goal of preserving water quality by wasting limited financial resources; and

**WHEREAS**, both EPA, FDEP and the National Science Foundation have all recognized the need for refining the system for classifying various waters by their functional use; and

**WHEREAS**, Florida's system of classification of waterbodies has not been re-examined on a comprehensive, scientific basis for more than 40 years; and

**WHEREAS**, the existing classification system forces local governments or other funding entities to allocate scarce financial resources in an attempt to bring many water bodies (such as urban stormwater ditches) into compliance with water quality standards where there will be little or no potential benefit to the natural environment or human uses at the expense of funding for waters where the possibility of real improvements exists; and

**WHEREAS**, FDEP previously convened an advisory committee of experts known as the Designated Uses and Classification Refinement Policy Advisory Committee ("PAC") to study

and make recommendations for amending the designated uses and classifications of water bodies; and

**WHEREAS**, the PAC developed several reports which included a new, science-based system of uses and classifications for water bodies but did not recommend any revisions to existing waters on a statewide basis; and

**WHEREAS**, the Florida Stormwater Association has filed a petition requesting that FDEP and the Environmental Regulation Commission initiate rulemaking on the classification and use system based on the recommendations of the PAC; now therefore,

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:**

**SECTION ONE.** The City Commission supports the consideration by FDEP and the ERC of reasonable, science-based revisions to Florida's waterbody use and classification system that are considered in an open, public process.

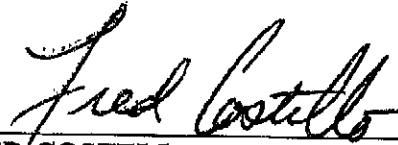
**SECTION TWO.** The City Commission authorizes the City Manager to send a copy of this resolution to the Governor of Florida, Speaker of the Florida House of Representatives, President of the Florida Senate, the Secretary of FDEP, the Administrator of the U.S. Environmental Protection Agency and the Chair of the Volusia County State Legislative Delegation.

**SECTION THREE.** If any one or more of the covenants, agreements, or provisions of this resolution should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements, or provisions shall be null and void

and shall be deemed separate from the remaining covenants, agreements or provisions, and in no way affect the validity of all other provisions of this Resolution.

**SECTION FOUR.** This Resolution shall take effect immediately upon its adoption.

**APPROVED AND AUTHENTICATED, this 20<sup>th</sup> day of October, 2009.**



**FRED COSTELLO**  
Mayor

**ATTEST:**



**VERONICA PATTERSON**  
City Clerk