



October 5, 2009

Michael W. Sole, Secretary
Florida Department of Environmental Protection
3800 Commonwealth Blvd
Tallahassee, FL 32303-3123

Dear Secretary Sole:

It gives me great pleasure to convey a copy of City of Tallahassee Resolution 09-R-29 in support of rule making underway by the Florida Department of Environmental Protection (FDEP) to improve the designated use classification structure that forms the basis for Florida's water quality standards. The City of Tallahassee shares the goal of preserving water quality with FDEP, the United States Environmental Protection Agency (EPA) and other stakeholders. However, change is needed because failure to address conditions associated with Florida's forty-year old classification system as outlined in the resolution will waste financial resources and therefore works against our common goals of protecting and improving water quality.

City resolution 09-R-29 supports the FDEP effort to expand the current classification system to account for differences between various waters and their unique protection needs in an open public forum. We would like to thank your office for approving and standing behind this important initiative.

Thank you for your careful consideration of this key issue and please feel free to contact me if we may provide further information

Sincerely,

Anita Favors Thompson
City Manager

AFT/jc

Attachment

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DEP SECRETARY

RESOLUTION NO. 09-R-29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF TALLAHASSEE, FLORIDA, SUPPORTING ACTIONS BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE FLORIDA 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; AND PROVIDING 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 Tallahassee shares the goal of preserving water quality with FDEP, the United States Environmental Protection Agency ("EPA"), and all similar stakeholders; and

WHEREAS, waters that are overloaded with one or more pollutants are listed as "Impaired Waters," pursuant to EPA requirements and Florida law; and

WHEREAS, FDEP and the EPA have developed a program to limit pollutant discharges to Impaired Waters to the amount a water body could receive without exceeding certain 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 for the State of Florida and all local governments affected by the limits; and

WHEREAS, the TMDL development process has been hampered by litigation that has resulted in court-ordered schedules that do 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 water quality 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, especially in the current time of significant economic downturns; and

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

WHEREAS, EPA, FDEP and the National Science Foundation have all recognized the need for refining the TMDL 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 include 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 Environmental Regulation Commission ("FERC") is a State board made up of Florida citizens that weighs and balances the complex factors that go into setting environmental standards to protect Floridians and their environment, including approving for adoption water quality standards; and

WHEREAS, a petition by the Florida Stormwater Association has been filed with FDEP requesting that FDEP and the FERC 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 TALLAHASSEE, FLORIDA:

1. The above recitals are hereby adopted and incorporated into the body of this resolution by reference.
2. The City Commission supports the consideration by FDEP and the FERC of reasonable, science-based revisions to Florida's waterbody use and classification system that are considered in an open, public process.
3. The City Commission further 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 EPA, Region

IV, the Leon County Board of County Commissioners, and the Chair of the Leon County State
Legislative Delegation.

4. This resolution shall become effective upon adoption.

PASSED and ADOPTED by the City Commission of the City of Tallahassee this 26th
day of August, 2009.

CITY OF TALLAHASSEE

By: 

John R. Marks, III
Mayor

ATTEST:

By: 

Gary Herndon
City Treasurer-Clerk

APPROVED AS TO FORM:

By: 

James R. English
City Attorney

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CITY TREASURER-CLERK

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