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August 27, 2009

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

**RE: City of Tavares Resolution 2009-19**

Dear Mr. Sole:

Enclosed is Resolution 2009-12 adopted by the Tavares City Council on August 19, 2009 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.

Please do not hesitate to contact me with any questions or comments.

Sincerely,

Susie Novack, CMC  
Deputy City Clerk

C: The Honorable Charlie Crist, Governor, State of Florida  
The Honorable Jeff Atwater, President, Florida Senate  
The Honorable Larry Cretul, Speaker, Florida House of Representatives  
Representative H. Marlene O'Toole, Chair, Lake County Florida Legislative  
Delegation  
Lisa P. Jackson, Administrator, U.S. Environmental Protection Agency

## RESOLUTION 2009-12

**A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, 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 Tavares 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 and 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 OF TAVARES FLORIDA:**

Section 1. The Tavares City Council 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.

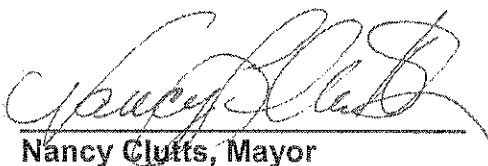
Section 2. The Tavares City Council authorizes the City Administrator to send a copy of this resolution to the Governor of Florida, Speaker of the Florida House of Representatives, President of the Florida Senate, the Secretary of FDEP, the Administrator of the U.S. Environmental Protection Agency and the Chair of the Lake County State Legislative Delegation.

Section 3. SEVERABILITY.

Section 4. EFFECTIVE DATE

**DONE AND RESOLVED** this 19<sup>th</sup> day of August 2009, by the Tavares City Council.



  
Nancy Clutts, Mayor

**ATTEST**

*Nancy A. Barnett*

**Nancy A. Barnett, City Clerk**

*Robert Q. Williams*

**Approved as to form and legal sufficiency:  
Robert Q. Williams, City Attorney**