

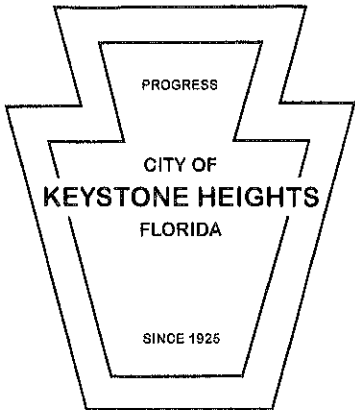
City of Keystone Heights, Florida

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August 30, 2009

Office of Governor Charlie Crist
State of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

RECEIVED

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DEP SECRETARY

OFFICE OF THE GOVERNOR
CITIZEN SERVICES
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Dear Mr. Crist:

Please find enclosed the City of Keystone Heights' Resolution 2009-25 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.

Florida currently has five classes of water bodies, although only four are used. The overwhelming majority of waters fall into the category of Class III recreational waters, the so-called "swimmable and fishable" waters. While this category includes lakes, streams and springs, it also includes concrete-lined ditches, man-made canals and many other urban storm-water conveyances. The same water-quality criteria apply to all Class III waters, resulting in some standards being over-protective (and very costly) and others, like those for springs, not being protective enough.

Florida's system of classifying waters has not been comprehensively examined in 40 years and the need for a comprehensive, science-based review of our system of classifying waters is now more important than ever. The progression of the multi-billion dollar Total Maximum Daily Loads (TMDL) program and Florida's recently-initiated rulemaking efforts to adopt new, numeric water quality criteria for nutrients have heightened the need for a system of classifying waters and determining their use that makes sense, especially in these times of fiscal constraints.

The City of Keystone Heights supports a scientific revision of Florida's water body classification system.

Very truly yours,

Mayor Mary Lou Hildreth

Enclosure

Resolution 2009- 25

A RESOLUTION OF THE CITY OF KEYSTONE HEIGHTS, 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 Keystone Heights 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 OF KEYSTONE HEIGHTS,
FLORIDA:

Section 1. The 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 City Council authorizes the Mayor and the Interim City Manager to send a copy of this resolution to the Governor of the State 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 Clay County State Legislative Delegation.

Section 3. SEVERABILITY.

Section 4. EFFECTIVE DATE

This Resolution shall become effective upon adoption.

ADOPTED this 3rd day of August 2009.



Mayor Mary Lou Hildreth

Karen P. Nelson, Interim City Manager