

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
AUG 04 2009 *SB/BS*

# RESOLUTION

*of the*  
**ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**  
*Regarding*

**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.**

Resolution No. 2009-M-31

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, Orange County shares the goal of preserving water quality with the Department, the U.S. Environmental Protection Agency (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 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 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 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, a petition has been filed by the Florida Stormwater Association, requesting that FDEP and the Environmental Regulation Commission (ERC) initiate rulemaking on the classification and use system based on the recommendations of the PAC.

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:**

*Section 1.* The Orange County Board of County Commissioners 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 Orange County Board of County Commissioners authorizes the Orange County Environmental Protection Officer 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 Orange County State Legislative Delegation.

*Section 3.* This Resolution shall become effective upon adoption.

AUG 04 2009

ADOPTED this \_\_\_\_\_ day of August, 2009.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Richard T. Crotty*

Richard T. Crotty

Orange County Mayor

ATTEST: Martha O. Haynie, County Comptroller

As Clerk of the Board of County Commissioners

By: *Martha O. Haynie*

Deputy Clerk

*CESD-C-03*

