

Resolution 2009 -98

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, 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.

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, Pinellas County shares the goal of preserving water quality with FDEP, the United States 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 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, thereby reducing available resources for more effective water quality improvement initiatives; 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, a petition has been filed by the Florida Stormwater Association 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 Board of County Commissioners of Pinellas County, Florida, in regular session, duly assembled, this 4th day of August, 2009, as follows:

Section 1. The County 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 Commission authorizes the County 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 Pinellas County State Legislative Delegation.

This Resolution was offered and adopted at the August 4, 2009 meeting of the Pinellas County Board of County Commissioners as hereinafter set forth:

Commissioner Latvala offered the foregoing Resolution which was seconded by Commissioner Bostock and the vote was:

AYES: Harris, Seel, Latvala, Morroni, Welch, Bostock, and Brickfield.

NAYS: None.

ABSENT AND NOT VOTING: None.

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By [Signature]
Attorney

I, KENNETH P. BURKE, Clerk of the Circuit Court and
Clerk Ex-Officio, Board of County Commissioners,
do hereby certify that the above and foregoing is a
true and correct copy of the original as it appears
in the official files of the Board of County
Commissioners of Pinellas County, Florida. Witness
my hand and seal of said County at this 4th day
of August, A.D. 2009.

KENNETH P. BURKE, Clerk of the Circuit Court Ex-Officio
Clerk of the Board of County Commissioners,
Pinellas County, Florida.

By [Signature]
Deputy Clerk

