

**Proposed Revisions to the
Classification System
in Chapter 62-302, F.A.C.**

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Summary of Presentation

- **Quick Review of Scope of Rulemaking**
- **Review Latest Substantive Revisions**
 - **Added Text To Further Describe New Use Categories**
 - **Added Text about Input from Local Governments**
 - **In two different rule provisions**
 - **Added Reference to document describing requirements and process for reclassifications**
 - **Incorporated by reference**
 - **Added text on changes of uses of artificial waters**
 - **Added text for protection of downstream uses**

What we are doing with this rulemaking

- Propose to refine the classification system
 - Change from system with 5 classes that combines both human uses and aquatic life uses to a new system with 7 human use classes and 4 aquatic life uses
- Also revising process for reclassifications
- Will also populate the criteria for the existing classes into the new structure
 - New system includes classes that are analogous to old system, but also includes new classes

Proposed Human Uses (HU)

- HU 1** Protection of potable water supply suitable for human consumption (following conventional drinking water treatment methods), fish consumption, and full body contact
- HU 2** Protection of shellfish harvesting for human consumption, fish consumption, and full body contact
- HU 3** Protection of fish consumption and full body contact
- HU 4** Protection of fish consumption and incidental human contact
- HU 5** Protection of fish consumption, but human contact is limited or restricted due to unsafe physical conditions
- HU 6** Protection of waters for crop irrigation or consumption by livestock
- HU 7** Utility and industrial uses

Proposed Aquatic Life (AL) Uses

- AL 1** Propagation and maintenance of exceptional aquatic communities that approximate the biological structure and function of natural background.
- AL 2** Propagation and maintenance of a healthy, well-balanced aquatic community with minimal deviation of biological structure and function relative to natural background.
- AL 3** Protection of an aquatic community with moderate deviation of biological structure and function relative to natural background (habitat and hydrology limitations)
- AL 4** Protection of an aquatic community with substantial deviation of biological structure and function relative to natural background (severe habitat and hydrology limitations)

What we are doing with this rulemaking

(continued)

➤ “Cross-walked” existing classes

Existing Class	Proposed Human Use	Proposed Aquatic Life Use
Class I	HU-1	AL-2
Class II	HU-2	AL-2
Class III	HU-3	AL-2
Class IV	HU-6	Addressed in HU-6
Class V	HU-7	N/A

- We do not plan to adopt criteria for new classes as part of this rulemaking
 - HU-4 and HU-5 are proposed to represent different expectations associated with recreational contact
 - AL-1 is proposed to help protect exceptional waters, while AL-3 and AL-4 are proposed for waters with different biological expectation due to natural, hydrologic, or physical/habitat limitations

Revisions to Rule 62-302.400 Classification of Surface Waters, Usage, Reclassification, Classified Waters

- **In subsection (1), previously split uses into human and aquatic life uses**
- **Added text to further describe each use**
 - **Based on language from DUPAC, but wordsmithed for consistency**
 - **Also added text for AL-3 and AL-4, noting that biological expectations may be limited due to habitat, hydrology, physical factors or other factors in 62-302.400(11)(c)**

Revisions to Rule 62-302.400

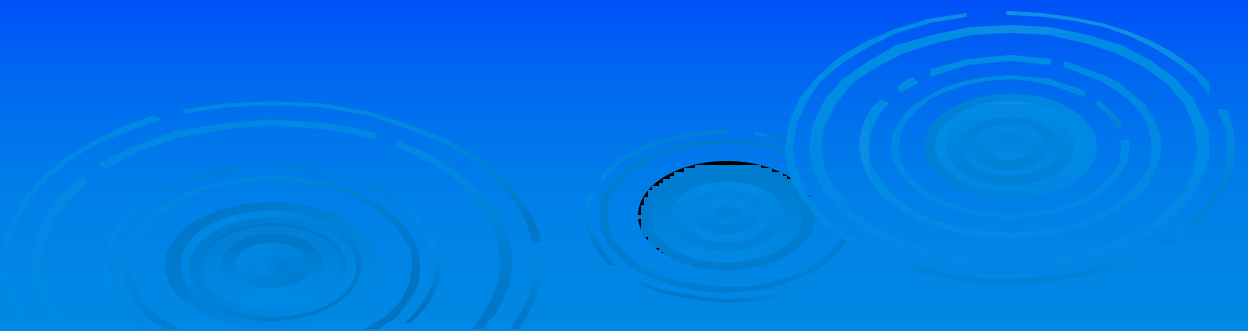
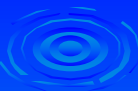
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- **Subsections (6) through (8) describe reclassification process,**
 - Deleted previously proposed additions to paragraph (6) as they were redundant
 - Revised (8) to indicate that, as part of public interest determination, DEP will consider resolutions submitted by city or county commissions
 - Also added new paragraph (c) to subsection (8) to clarify that ERC must affirmatively find that any reclassification
 - Will establish the present & future most beneficial use
 - Is clearly in the public interest, AND
 - Applicable demonstrations in (10) and (11)

Revisions to Rule 62-302.400

(continued)

- Added new subsection (9) to reference document describing requirements and process for reclassifications
 - Incorporated by reference



Revisions to Rule 62-302.400

(continued)

- Old subsection (9) renumbered as (10), which still addresses changes to more stringent use but added requirements to
 - Provide information about costs to small businesses and local governments
 - Will help DEP prepare Statement of Estimated Regulatory Cost (SERC) for rule
 - For artificial waterbodies, demonstrate
 - How new standards can be maintained and maintain purpose for which waterbody was constructed, or that purpose for original construction is no longer needed

Revisions to Rule 62-302.400

(continued)

- **Subsection (11) lists requirements for reclassifications to less stringent use**
 - **Added text about types of information needed**
- **Added text to protect downstream uses**
 - **Removal of use cannot result in nonattainment of present and future most beneficial uses of downstream waters**
- **Added text in paragraph (d) about artificial waters (same text as for upgrades)**

Revisions to Rule 62-302.400

(continued)

- **New subsection (12) notes that reclassifications cannot preempt or prohibit more stringent requirements established by local environmental programs under 403.182, F.S.**
 - **“Local Programs”**