



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA
RESOLUTION NUMBER 85-09**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, 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 AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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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 Commission of the City of Stuart 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

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Support Science-Based Amendments to Use & Classification Quality of Florida's Water

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, the 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 water bodies 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 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 COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1. The City Commission supports the various 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.

SECTION 2. The City Commission authorizes and directs the City Clerk to send a copy of this Resolution to the Governor of Florida, the Speaker of the Florida House of Representatives, the President of the Florida Senate, the Secretary of Florida Department of Environmental Protection, the Administrator of the United States Environmental Protection Agency and the Chair of the Martin County State Legislative Delegation.

SECTION 3. This Resolution shall take effect upon adoption.

Commissioner KRAUSKOPF offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner WAXLER upon being put to a roll call vote, was as follows.

- JAMES A. CHRISTIE, JR., MAYOR**
- MICHAEL J. MORTELL, VICE MAYOR**
- JEFFREY A. KRAUSKOPF, COMMISSIONER**
- MARY L. HUTCHINSON, COMMISSIONER**
- CAROL S. WAXLER, COMMISSIONER**

YES	NO	ABSENT
X		
X		
X		
X		
X		

ADOPTED this 10th day of August, 2009.

ATTEST:



CHERYL WHITE
CITY CLERK



JAMES A. CHRISTIE, JR.
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:



PAUL J. NICOLETTI
CITY ATTORNEY

