



FLORIDA STORMWATER ASSOCIATION

Leadership in Stormwater Management and Utilities

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MEMORANDUM

To: Interested Persons
From: Kurt Spitzer
Date: February 9, 2007
Re: Waterbody Use and Classification System

In 2005, with the passage of Senate Bill 444 by the Florida Legislature and continued implementation of the Total Maximum Daily Loads (TMDL) program, the Florida Stormwater Association (FSA) and other stakeholders had recommended that Florida's system of classifying waters be re-examined. You may be aware that FDEP's Designated Uses and Classification Refinement Policy Advisory Committee (PAC) has been meeting for the past several months. (See http://www.dep.state.fl.us/water/wqssp/d_use.htm.) Several FSA members serve on the PAC.

Recently, the possible recommendations of the PAC have been the subject of Resolutions adopted by a few city and county commissions. This memorandum concerns the PAC and is intended to discuss what the committee is considering, why they are doing so, and when their recommendations might become effective.

The PAC has not yet completed its work, nor has it adopted a draft report. Any recommended revisions to the classification system, as with any changes to water quality standards, must first be approved by the Florida Department of Environmental Protection, then the Florida Environmental Regulation Commission and finally the US Environmental Protection Agency.

Also, at the present time, the concept being discussed by the PAC does not center on broad brush, statewide revisions to the classifications of individual waters. Rather, the concept is to only authorize changes or revisions to classifications, and then to put a mechanism in place whereby an individual city or county could apply for a change to the classification of a specific local waterbody.

Both the revisions to the system that might authorize new classes, and thereafter the decision to move an individual waterbody into a new classification, must be approved by FDEP, the ERC and then EPA. Considerable time remains before revisions to the system, if any, will be adopted.

Florida's 40 year-old system of waterbody uses and classifications is now inextricably tied to the TMDL program, which has set into motion new ways in which we determine whether

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Kurt Spitzer
Executive Director

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waterbodies are meeting water quality standards and how those standards are enforced on both point source and non-point source dischargers to surface waters.

The concepts being discussed by the PAC are consistent with the recommendations of the National Research Council's 2001 Report to Congress, which urged that we should develop and refine appropriate use designations for waterbodies. The Report noted that the goal of all waters being "swimmable and fishable" was too broad to be an operational statement of designated uses.

FSA has been actively involved with the implementation of the TMDL program since 1999. Our belief is that it will have very significant impacts in Florida, both as relates to changes to the permitting processes in which cities and counties must participate, and also in terms of financial impacts on budgets. We estimate that the program will have a multi-billion dollar impact on local governments alone. So it is imperative that we can be confident that expenditures of this magnitude are of significant value and will result in the desired improvements to our environment.

Layering the TMDL program on top of the current classification and use system, without revisions similar to those as recommended by the National Research Council, will result in many city and county governments being forced to allocate revenues for water quality-related improvements to structures like man-made ditches and other facilities whose primary purpose is to move stormwater from one location to another, and that serve no significant recreational or other benefit or value to the human population or to the natural environment. We believe that this is a wasteful use of tax dollars and fear that it may be at the expense of allocating funds for the benefit of those streams, lakes or other waters where we can make real improvements in water quality.

Given the limited resources available to fund and comply with this new initiative, our suggestion is that the TMDL program and related policies be structured in a way that provides flexibility to local governments so that resources may be directed to those waterbodies where significant enhancements in quality can actually be realized, and not to lined ditches or man-made stormwater conveyances where there is little prospect of true environmental improvement.

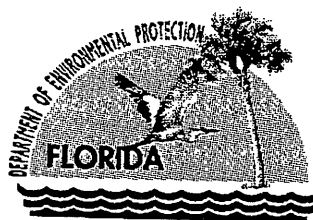
The TMDL program is a very complicated from both legal and scientific perspectives. We urge all parties become familiar with the program and its implications. We would be happy to discuss these issues with you in detail at anytime.

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Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

April 29, 2005

Mr. Kurt Spitzer
Florida Stormwater Association
Post Office Box 867
Tallahassee, FL 32301

RE: Classification of Waters in Florida

Dear Mr. Spitzer:

The Department of Environmental Protection has been actively involved in the implementation of the Total Maximum Daily Load (TMDL) program in Florida for almost six years. The cornerstone of the program is the establishment of the maximum amount of pollutants that can be discharged into a water body while still maintaining the water body's designated use. "Designated use" hinges on a classification system for water bodies that is now over 30 years old and may need to be reevaluated, given Florida's growth and the advent of the TMDL program.

Therefore, I am directing the Division of Water Resource Management to conduct a review of the current water body classification system and the associated water quality criteria (including dissolved oxygen, nutrients and pathogens) to determine if revisions are needed to better address the provisions of Section 403.067 and other provisions of Chapter 403, Florida Statutes. Our review will include an analysis of the classification system to determine whether the current classification system is appropriate when considering the present and future uses of surface waters including, but not limited to, man-made canals and urban stormwater conveyances. Should this review indicate that modifications are warranted; revisions will be developed and proposed to the Florida Environmental Regulation Commission as a part of this review process.

The review will be made in consultation with a technical advisory committee composed of representatives from appropriate stakeholders. The committee will be formed over the next few months with the direction to provide final recommendations no later than March 1, 2007.

Thank you for your interest in this matter. We look forward to your participation and input in the upcoming study of the classification system.

Sincerely,

Colleen M. Castille
Secretary

cc: The Honorable Stan Mayfield
The Honorable Charlie Clary
The Honorable Paula Dockery
The Honorable Donna Clarke
Ms. Mimi Drew, DEP

"More Protection, Less Process"

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