

Florida Stormwater Association  
**Petition for Rulemaking to Refine Waterbody Classifications and Designated Uses**

**FREQUENTLY ASKED QUESTIONS**

**Summary**

On July 20, 2009, the Florida Stormwater Association (FSA) filed a petition with the Environmental Regulation Commission (ERC) asking that rulemaking be initiated by the Florida Department of Environmental Protection (DEP) to revise Florida’s system of classifying waterbodies and determining their use. See [www.florida-stormwater.org](http://www.florida-stormwater.org) for more information.

The current classification system, with the great majority of waters falling into the Class III “Swimmable and Fishable” recreational category with its associated water quality criteria, results in structure where the same standards/criteria are applied to man-made ditches and urban stormwater conveyances as are applied to streams, lakes and springs. Because of this structure, local governments and other funding entities are often forced to allocate scarce resources to make improvements to waters like ditches and conveyances (which typically have little or no human or environmental benefit) at the expense of not funding improvements to lakes and streams where there exists a real likelihood of making improvements are of benefit to natural systems and/or human uses.

**What are surface water quality standards?**

Water quality standards are scientifically established thresholds for contaminants in a body of water. These standards are designed to ensure that the public health and aquatic life of the waterbody are protected.

Florida’s surface water quality standards include a classification system of designated or beneficial uses to protect a waterbody – such as drinking water supply, shellfish harvesting, swimming and recreation, aquatic habitat for fish and wildlife, or agricultural supply.

**Why refine them now?**

The current classification system has been in effect for 40 years and was initially established well before the passage of the Federal Clean Water Act and the creation of the Total Maximum Daily Loads (TMDL) program in Florida. Scientific knowledge has advanced since then, better data on surface waters are available, and water quality protection programs have changed very significantly.

In 2005, FSA and other parties urged DEP to examine possible refinements to our system of classifying waterbodies and determining their use. DEP subsequently formed the Designated Uses and Classification Refinement Policy Advisory Committee (PAC) of independent experts to help the agency consider the environmental, scientific, technical, economic, legal,

and social factors involved with potential changes. Requests to serve on the PAC were made to a wide range of expert stakeholders, including environmental groups, local governments, business and industry, and EPA, to represent diverse interests and bring balance to the discussions. See [http://www.dep.state.fl.us/water/wqssp/d\\_use.htm](http://www.dep.state.fl.us/water/wqssp/d_use.htm) for more information.

The need for a comprehensive, science-based review of our system of classifying waters is more important than ever. The progression of the TMDL program and recently-initiated rulemaking efforts to adopt numeric nutrient criteria have heightened the need for a system of classifying waters and determining their use *that makes sense*, especially in these times of fiscal constraints.

**Will the Petition lower water quality standards?**

No. We are looking for ways to improve surface water quality standards and develop more effective programs to protect and restore Florida's water resources. The refinements suggested by the Petition would expand the current classification system to better account for the differences between human and aquatic life uses and their unique protection needs. The Petition suggests that changes be considered to the use/classification system that would be similar to the draft recommendations of the PAC.

**What steps would have to be taken refine the classification and use system?**

Any changes to designated uses, the classification system or water quality criteria are subject to a formal, public rulemaking process. Public meetings and hearings will be held to inform, educate and invite input from all interested parties. Any changes to the classification/use system must be approved by both the ERC and the EPA.

**How would changes to the classification of an individual waterbody be implemented?**

If revisions to the classification and use system are adopted and approved, reclassifying an individual waterbody would also require formal, public rulemaking and the approval of both the ERC and EPA.

The vast majority of surface waters in Florida, currently designated Class III waters, would remain in the same classification because recreation and healthy, well-balanced aquatic wildlife habitat are the expectations for most waterways. Any proposed change in classification would require specific justification and public rulemaking.

**What are the next steps?**

DEP has initiated rulemaking on refinements to the classification/use system. A hearing is scheduled for August 18, 2009 at the DEP District Offices in Temple Terrace. Final action on any proposed revisions to the rules will be considered by the ERC at their meeting set for October 14, 2009 in Tallahassee.

### **Other Information**

- ✓ Florida's current rules provide for five classifications of waterbodies, Class I through Class V; however, Class V is no longer used. Most of Florida's waters are Class III, meaning the waterbody is expected to support recreation and a healthy, well-balanced fish and wildlife population, whether they are springs, pristine lakes or rivers, or man-made canals or concrete-lined, urban stormwater conveyances.
- ✓ The Florida Environmental Regulation Commission (ERC) is an unpaid board of seven residents representing diverse interests, appointed by the Governor and confirmed by the Senate, who approve standards relating to waste management and air and water quality.
- ✓ A Total Maximum Daily Load (TMDL) is the amount of a particular pollutant that a waterbody can absorb without violating state water quality standards.
- ✓ A Basin Management Action Plan (BMAP) is a comprehensive plan of regulatory and non-regulatory actions to meet the TMDLs for a given watershed.

For more information, contact FSA at 888/221-3124 or [stormwater@ksanet.net](mailto:stormwater@ksanet.net).