

RESOLUTION NO. 090393

PASSED October 15, 2009

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, 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 WATER; AND, PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Florida Legislature has granted the Florida Department of Environmental Protection (FDEP) the power and duty to conserve waters of the state through a comprehensive program for the prevention, abatement and control of pollutants; and

WHEREAS, the City of Gainesville shares the goal of preserving water quality with the FDEP, the U.S. 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, EPA and FDEP 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, Florida's system of classification of water bodies, used in conjunction with the TMDL program, has not been re-examined on a comprehensive and 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 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, 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, FDEP appointed and convened an advisory committee of experts, known as the Designated Uses Policy Advisory Committee (PAC), to study and make recommendations for amending the designated uses and classifications of water bodies; and

WHEREAS, the PAC developed and reported its findings to FDEP which included a new science-based system of uses and classifications for water bodies; and

WHEREAS, a petition has been filed by the Florida Stormwater Association, requesting that FDEP and the Environmental Regulation Commission (ERC) initiate rulemaking on the water body designated use and classification system based on the findings presented by the PAC.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. The City Commission of the City of Gainesville supports the consideration by FDEP and the ERC of reasonable, science-based revisions to Florida's water body use and classification system that are considered in an open, public process.

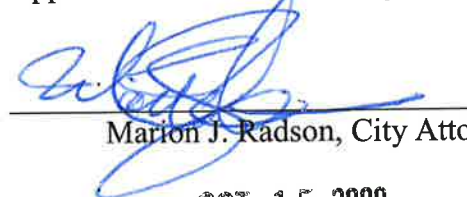
Section 2. The City Commission of the City of Gainesville authorizes the Clerk of the Commission to send a copy of this resolution to the Governor of Florida, Speaker of Florida House of Representatives, President of the Florida Senate, the Secretary of FDEP, the Administrator of the U.S. Environmental Protection Agency, Region IV, the Chair of the Alachua County State Legislative Delegation and the Chair of the Environmental Regulation Commission.

Section 3. This Resolution shall take effect immediately upon its adoption.

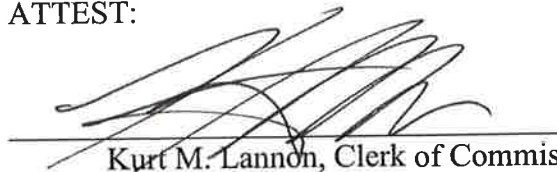
PASSED AND ADOPTED, this 15 day of October, 2009.


Pegeen Hanrahan, Mayor

Approved as to Form and Legality:


Marion J. Radson, City Attorney

ATTEST:


Kurt M. Lannon, Clerk of Commission

OCT 15 2009