

# ST. PETERSBURG CITY COUNCIL

## Consent Agenda

Meeting of August 20, 2009

**TO:** The Honorable Jeff Danner, Chair and Members of City Council

**SUBJECT:** Authorizing the Mayor or his designee to execute a Resolution of the City of St. Petersburg, Florida supporting the Florida Department of Environmental Protection and the Environmental Regulation Commission's consideration of a new water classification system; and providing for an effective date.

**EXPLANATION:** The Clean Water Act requires that the surface waters of each state be classified according to designated uses. Florida has five (5) classes with associated designated uses, which are arranged in order of degree of protection required: from Class I to Class V with Class I providing the highest degree of protection and Class V providing the lowest degree of protection. While some criteria are intended to protect aquatic life, others are designed to protect human health. According to FDEP, the largest number of waters in the state falls into a broad, general category known as "Class III" waters. This includes drainage ditches, upland cut canals and other man-made features. The Class III designation brings with it the requirement to meet certain minimum water quality standards. In many cases, due to the manmade nature of the waters, such standards are not attainable and are unnecessary to support the practical use of those artificial waters.

As the FDEP moves forward with identifying impaired waters (waters that do not meet the water quality standards for its classification) and working with the municipalities and counties to propose plans to clean up the impaired waters, it is considered in the best interests of the environment to focus on the natural waterbodies and not man-made stormwater ditches, canals, stormwater ponds and other stormwater conveyances.

The current classification system is not adequate to provide cost effective protection to the surface waters in and around St. Petersburg. The resolution supports FDEP actions to develop reasonable science based amendments to the comprehensive classification system that would separate man-made ditches and canals from the natural bays, bayous, lakes, and streams within the City. This allows the FDEP to use their resources towards identifying waters that are in need of an impaired status and allowing the local governments to use resources more effectively in assisting in development and implementation of plans to improve the water quality of the impaired waterbodies.

**RECOMMENDATION:** Administration recommends authorizing the Mayor or his designee to adopt the resolution that supports the action by FDEP and the ERC for reasonable, science-based revisions to Florida's waterbody use and classification system.

**COST/FUNDING/ASSESSMENT INFORMATION:** No funds are required for this resolution action.

**ATTACHMENTS:** Resolution

**APPROVALS:** William J. Curran  
mc      T36      Administrative

Olafofishe  
Budget

RESOLUTION NO.

A RESOLUTION OF THE CITY OF ST. PETERSBURG,  
FLORIDA SUPPORTING THE FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION AND THE  
ENVIRONMENTAL REGULATION COMMISSION'S  
CONSIDERATION OF A NEW WATER CLASSIFICATION  
SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg shares the goal of preserving water quality with the United States Department of Environmental Protection ("USEPA"), the Florida Department of Environmental Protection ("FDEP"), the Environmental Regulation Commission ("ERC") and other local governments and agencies; and

WHEREAS, the Clean Water Act, 33 U.S.C. §1251 et al. requires that the surface water of each state be classified according to designated uses, of which Florida has five classifications; and

WHEREAS, the current classification system provides that the largest number of waters in Florida fall into a category known as Class III waters, some of which include manmade water features such as drainage ditches and upland cut canals;

WHEREAS, Class III waterways have certain requirements for minimum water quality standards, regardless of whether the surface water is contained in an artificial or natural water body; and

WHEREAS, due to the manmade nature of certain bodies of water, those minimum water quality standards for Class III are unattainable, unnecessary to support the use of the artificial waters and provide for less resources to beneficially impact natural waterways; and

WHEREAS, the existing classification system forces local governments or other funding entities to allocate scarce financial resources to bring waterways into compliance with water quality standards where there will be little or no benefit to the natural environment or human uses, at the expense of waters where the possibility of significant improvement 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, 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 by the Florida Stormwater Association, Inc. requesting that FDEP and the ERC initiate rulemaking on the classification and use system based on the recommendations of the PAC; and

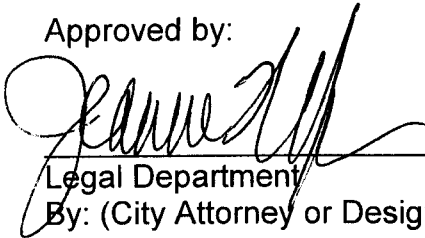
WHEREAS, reasonable, science-based amendments to the classification system established in the rulemaking process, would separate manmade water features from natural waterways, such as bayous, lakes and streams, thereby allowing FDEP to better use resources towards identifying waters that are impaired and allowing local governments to effectively assist in plans to improve the water quality of impaired, natural waterways.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of St. Petersburg supports the consideration by FDEP and the ERC of reasonable, science-based amendments to the classification and use system of waterways in the State of Florida and that such consideration occur in an open, public process so all affected persons and governments may participate.


BE IT FURTHER RESOLVED, that the City Council of the City of St. Petersburg authorizes the Mayor to send a copy of this resolution to the Governor of Florida, Speaker of the Florida House of Representatives, President of the Florida Senate, the Secretary of the Florida Department of Environmental Protection, the Administrator of the United States Environmental Protection Agency and the Chair of the Pinellas County Legislative Delegation.

This Resolution shall take effect immediately upon adoption.

Approved by:

  
\_\_\_\_\_  
Legal Department  
By: (City Attorney or Designee)

Approved by:

  
\_\_\_\_\_  
Thomas B. Gibson, P.E.  
Engineering Director