

Frequently Asked Questions (about FDEP Designated Rule Change)

What are surface water quality standards?

Water quality standards are the basis for protecting and regulating the quality of surface waters in Florida. The standards implement portions of the federal Clean Water Act by specifying the designated and potential uses of waterbodies. They set scientifically established physical, chemical, and biological thresholds (criteria) to protect those uses. The standards also contain policies to protect high quality waters. Taken together these standards ensure that a water body is suitable for both human and aquatic life uses.

Florida's surface water quality standards include a classification system that describes how a water body is best used— such as for drinking water supply, shellfish harvesting, swimming and recreation, aquatic habitat for fish and wildlife, or agricultural supply. The use classification describes the best attainable function or activity in a water body that is supported by a level of water quality (criteria).

Why refine them now?

In July, the Department of Environmental Protection (DEP) received a petition from the Florida Stormwater Association requesting formal rulemaking to amend the existing classification structure. Under federal law, DEP is responsible for reviewing and setting the state's surface water quality standards. DEP has performed a comprehensive evaluation of designated uses and water body classifications and determined that refining the current system could improve protection of public health and the aquatic life that thrive in our rivers, lakes, streams, wetlands, and estuaries.

The current classification system has been in effect for more than 30 years, and scientific knowledge has advanced since then. We now know that factors other than water quality, such as aquatic habitat availability and water flow patterns, can greatly affect aquatic life. As DEP's water quality protection programs adapt to the newer science and other changes, Florida now has an opportunity to improve the way we protect public health and aquatic life by modifying our designated uses classification system.

Is DEP lowering water quality standards?

No. DEP is looking for ways to improve surface water quality standards and develop more effective programs to protect and restore Florida's water resources. DEP's goal will always be to promote high standards through appropriate classification, permitting, water quality monitoring, and restoration. The refinements under consideration would expand the current classification system to better account for the differences between human and aquatic life uses and their unique protection needs. The expanded classification system will allow DEP to better protect pristine waters and establish more realistic goals for artificial waters.

Who is DEP working with on the possible changes to the reclassification system?

In 2006 DEP formed a [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. Nominations were requested from a wide range of expert stakeholders—environmental groups, local governments, other state agencies, business and industry, the United States Environmental Protection Agency (EPA) — to represent diverse interests and bring balance to the discussions.

With the submittal of the petition by the Florida Stormwater Association, the DEP will engage all interested parties in a rulemaking process. Through formal rulemaking, workshops will be conducted, information will be disseminated through multiple channels, and recommendations from all parties will be considered. The findings of the PAC will serve as the starting point for the rulemaking process.

How would DEP change the classification of surface water?

Any change to a surface water's designated use would require formal, public rulemaking and approval by the [Florida Environmental Regulation Commission \(ERC\)](#) and EPA. With the current rulemaking, DEP only plans to refine the classification system. All waters will retain their current designated use, and any future change of use for an individual water will require separate rulemaking and additional approval from the ERC and EPA.

How will "impaired waters" and [Total Maximum Daily Loads \(TMDLs\)](#) be affected?

If the designated use of a surface water is not being met and maintained, the cause of the water quality degradation ("impairment") must be identified and corrected. The primary programs established to identify problems and restore water quality are TMDLs and Basin Management Action Plan process. Changes to the classification system would not change the procedures of the TMDL program but will align water quality requirements with appropriate ecological goals and human uses.

Definitions

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.

The current system has [five classifications](#) for waterbodies, Class I through Class V. Most of Florida's waterbodies are Class III, meaning the water is expected to support recreation and a healthy, well-balanced fish and wildlife population.

A [Total Maximum Daily Load \(TMDL\)](#) is the amount of a particular pollutant that a water body can absorb without violating state water quality standards.

A [Basin Management Action Plan](#) is a comprehensive plan of regulatory and non-regulatory actions to meet the TMDLs for a given watershed.