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July 1, 2021

Delivered by U.S. Mail and e-mail (Nikki.Fried@FDACS.gov)

Nikki Fried
Florida Department of Agriculture and Consumer Services
Plaza Level 10, The Capitol
400 South Monroe Street
Tallahassee, Florida 32399-0800

Re: **Water pollution caused by Class AA Biosolids**

Dear Commissioner Fried:

St. Lucie County is committed to the protection and enhancement of Florida's waterbodies. The County has spent more than \$70,000,000 on floodplain restoration and other projects that are designed to improve the water quality in the St. Lucie Estuary and the Indian River Lagoon. As the Chair of the Board of County Commissioners, I now respectfully request your help in protecting the lakes, rivers, and estuaries throughout Florida from the water quality problems caused by the unregulated use of Class AA biosolids.

Biosolids is the term used to describe the sludge produced at domestic wastewater treatment plants. This sludge is often spread in fields (land applied) and used as fertilizer because the sludge contains significant quantities of nitrogen and phosphorus – i.e., the nutrients that promote harmful algae blooms and eutrophication when they enter Florida's waterways. The land application of Class B biosolids is regulated by the Florida Department of Environmental Protection ("FDEP") pursuant to the FDEP rules in Chapter 62-640, Florida Administrative Code. However, the land application of Class AA biosolids is exempt from those FDEP regulations. Although Class AA biosolids are treated to reduce the pathogens in the sludge and to reduce the sludge's potential for attracting vectors (e.g., insects, rodents), the treatment process does not eliminate the nutrients in the sludge. Consequently, the land application of Class AA biosolids releases nutrients into the environment and thus poses a threat to water quality.

The FDEP records indicate that approximately 200,000 dry tons (**400,000,000 pounds**) of Class AA biosolids are land applied in Florida each year. Unfortunately, the FDEP does not know where the material is being used or how much material is used at any location. Without this basic information, the FDEP cannot accurately determine the impact this material is having on Florida's water resources.

St. Lucie County and others repeatedly requested the FDEP to establish tracking and monitoring requirements for Class AA biosolids as part of the FDEP's recent effort to amend the rules in Chapter 62-640.¹ Notwithstanding these requests, the FDEP continues to allow Class AA biosolids to be land applied anywhere in Florida, virtually without restriction. The FDEP contends that it cannot regulate the use of Class AA biosolids because the biosolids are fertilizer. The FDEP claims that the Department of Agriculture and Consumer Services ("Department") has the exclusive authority to regulate fertilizer.

Given the FDEP's position, I believe the Department should adopt rules concerning the use of Class AA biosolids. At a minimum, the Department should require the producers and/or users of Class AA biosolids to keep records identifying (a) the locations where the Class AA biosolids are used and (b) the quantities used at each location. This information should be reported to the Department on a quarterly basis. The Department should share this information with the FDEP.

These recordkeeping and reporting requirements would impose minimal regulatory burdens, but they would provide information that is essential for the protection of Florida's water resources. On behalf of the residents of St. Lucie County, I would greatly appreciate your assistance in addressing the use of Class AA biosolids in Florida. This is an important and timely issue for all Floridians, who are dismayed by the harmful algae blooms that are devastating Florida's waters. Local, state, and federal agencies are spending enormous sums of money to remove excess nutrients from Florida's waterbodies. It would be much more cost-effective to identify the source of those nutrients and control them before the nutrients are released into the environment.

Please feel free to contact me at (772) 462-1410 if you need additional information about any of the issues discussed in this letter. Thank you in advance for your careful consideration of this request.

Sincerely,



Chris Dzadoovsky, Chair
St. Lucie County Board of County Commissioners

cc: Board of County Commissioners
County Administrator
County Attorney

¹ During the FDEP's rulemaking process, the FDEP was asked to address Class AA biosolids by St. Lucie County, Brevard County, Indian River County, Martin County, the Treasure Coast Regional Planning Council, Florida Audubon, and the Everglades Coalition.