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March 4, 2020

Ms. Cari Roth
Chair, Environmental Regulation Commission
c/o Dean Mead
215 South Monroe Street, Suite 815
Tallahassee, FL 32301
croth@deanmead.com

Re: FDEP's Proposed Biosolids Rule (Chapter 62-640, F.A.C.)

Dear Ms. Roth:

As a county particularly susceptible to the effects of the land application of Class B biosolids, the Board of County Commissioners of Indian River County would like to emphasize the County's concern about the Florida Department of Environmental Protection's (FDEP) proposed changes to Chapter 62-640, Florida Administrative Code (F.A.C.).

An example of the substantial effects of land applied biosolids in Indian River County can be seen at one of the County's great environmental resources, the Blue Cypress Lake. Blue Cypress Lake, located in the most rural area of the County, has suffered greatly in recent years from increased levels of nutrients after excessive amounts of Class B biosolids were permitted to be land applied in the area of the lake. Specifically, in 2017, 740,205 pounds of Total Nitrogen and 293,358 pounds of Total Phosphorous contained in the Class B biosolids were applied on fields in close proximity to the lake. In reality, the site was permitted by the FDEP to allow up to 519,498 pounds of phosphorous to be applied. Even if the County spent \$600 Million to convert all of its existing 30,000 septic systems within Indian River County, the nutrient reduction of this conversion would not surpass what one site applied in 2017 alone. Focusing on investments, Indian River County and its partners have invested over \$40 Million dollars to remove dissolved nutrients from its water ways in an effort to comply with the Basin Management Action Plan. It is unthinkable that a regulatory agency has and will continue to allow these nutrients to be applied throughout the state when there is clear and compelling evidence that require stricter regulations to protect the environment and associated water quality. The proposed rule changes to 62-640 F.A.C., while taking a step in the right direction, fall short of the requirements FDEP is charged with per Chapter 403, Florida Statute.

While county staff has previously sent a number of technical comments on the proposed rule to FDEP, the Board of County Commissioners would like to provide additional comments before the Environmental Regulation Commission's meeting on March 19, 2020.

First, the proposed rule gives up to three years from its effective date to achieve compliance. Given that the effective date will very possibly be more than a year from now, this delay will mean that hundreds of thousands of pounds of additional nutrients will be placed on fields that essentially do not need them. Had Indian River County not taken the proactive stance of implementing a moratorium on the application

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of Class B biosolids within our County, the timeframe outlined above may have led to significant additional degradation of the Blue Cypress Lake from the permit-allowed application of Class B biosolids on fields in close proximity to the Lake. Indian River County is submitting comments on the proposed rule to rectify shortcomings of the existing rule and ensure that future applications of biosolids is done so in a matter consistent with the protection of the environment. Accordingly, the time to come into compliance with any new rules should be shortened significantly.

Second, any rule adopted by FDEP should make clear that from this point forward, the cost of remediation for damage done to the waters of the state of Florida shall be borne by the entities responsible for such pollution. It is far cheaper to regulate and prohibit the nutrient loads from entering the environment rather than spending millions of dollars to try and clean up the damage after the fact.

Third, it is imperative that any increased monitoring programs instituted by FDEP with respect to the application of biosolids and its effect on water quality should provide affirmative demonstration, not reasonable assurance, accompanied by appropriate increases in FDEP staffing in order to effectively and efficiently carry out such monitoring operations.

It is imperative the main focus of any efforts to amend FDEP rules related to the land application of all biosolids will be on protecting the environment of Florida, preserving the water quality of not only Blue Cypress Lake, but any similar waters enjoyed by the residents and visitors of our great state.

Respectfully,

Susan Adams
Chair, Board of County Commissioners of Indian River County

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