

Indian River County, Florida
Department of Utility Services
Board Memorandum

Date: March 3, 2020
To: Jason E. Brown, County Administrator
From: Vincent Burke, PE, Director of Utility Services
Subject: Biosolids Rule Making for Chapter 62-640 Florida Administrative Code and Public Hearing scheduled for March 19, 2020

Background/Analysis:

A notice to amend Chapter 62-640 Florida Administrative Code (F.A.C.) was published by the Florida Department of Environment Protection (FDEP) in the Florida Administrative Register on October 29, 2019, to “revise the monitoring and permitting criteria for the land application and management of Biosolids.”

On November 19, 2019, Indian River County Department of Utility Services (IRCDUS) staff brought an agenda item to the Board of County Commissioners (BCC) regarding this issue and to inform the BCC that included with the proposed rule was a Statement of Estimated Regulatory Costs (See Attachment 1). As noted in the proposed rule:

Any person who wishes to provide information regarding a statement of estimated regulatory costs or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

Staff provided comments to the FDEP per BCC direction and within the 21 day timeframe.

As part of the Statement of Estimated Regulatory Costs, Lower Cost Regulatory Alternatives were timely received from the Florida Cattlemen’s Association, the Florida Farm Bureau Federation, and the Florida Water Environment Association (FWEA) Utility Council, proposing revisions to Rule 62-640.700(10), F.A.C., regarding the FDEP’s proposed land application requirements relative to the seasonal high-water table on the land application site. The FWEA Utility Council also requested a public hearing pursuant to 120.54(3)(c), Florida Statutes (F.S.).

The FDEP will be holding a public hearing on the proposed amendments to Chapter 62-640, F.A.C. to be held at:

DEPARTMENT OF ENVIRONMENTAL PROTECTION
March 19, 2020, at 1 p.m.
2600 Blair Stone Road, Tallahassee, FL 32301

Attachment 2 has the FDEP meeting agenda.

Martin County and St. Lucie County (SLC) have been closely watching this issue as well. On January 15, 2020, SLC sent a letter to Cari Roth, Chair of the Environmental Regulation Commission (ERC) (see Attachment 3). Staff recommends that a similar letter outlining Indian River County's concerns be drafted, and after review and approval by the BCC, be sent to the ERC Chair ahead of the FDEP public hearing.

Recommendation:

Staff recommends that the Board of County Commissioners (BCC) review and approve, or approve with modifications, the draft letter to be signed by the BCC Chair and sent to the Chair of the Environmental Regulation Commission ahead of the March 19, 2020, public hearing.

Attachments:

1. November 19, 2019 agenda
2. FDEP Public Hearing agenda
3. January 15, 2020 letter from St. Lucie County to the Environmental Regulation Commission
4. Draft letter from Indian River County to the Environmental Regulation Commission