
From: Florida Department of Environmental Protection
<FloridaDEP@public.govdelivery.com>
Sent: Tuesday, October 29, 2019 9:11 AM
To: Vincent Burke
Subject: Florida Department of Environmental Protection 62-640, F.A.C., Rulemaking and Biosolids Technical Advisory Committee Update

You are subscribed to 62-640, F.A.C., Rulemaking and Biosolids Technical Advisory Committee for Florida Department of Environmental Protection. This information has recently been updated, and is now available.

Water quality and the improvement of water resources in Florida are a key priority for the Florida Department of Environmental Protection. As such, the Department is proposing amendments to Ch. 62-640, F.A.C. The rule represents the Departments commitment to science-based processes, by recommending changes to biosolids regulations to minimize the migration of nutrients, specifically phosphorus, to prevent impairment to waterbodies.

Biosolid Technical Advisory Committee

In 2018, the Department created a Biosolids Technical Advisory Committee (TAC) to evaluate current management practices and explore opportunities to better protect Florida's water resources. The TAC members represent stakeholders from all arenas including environmental and agricultural industry experts, large and small utilities, waste haulers, consultants and academics.

The TAC convened on four occasions from September 2018 to January 2019 and discussed the following:

- What are the current options for biosolids management in the state?
- Are there better ways to manage biosolids to improve the protection of our water resources?
- What research is needed to improve biosolid management?

The meetings included presentations related to biosolid management and regulations, water quality, innovative technologies and research. Each public meeting included open public comment, as well as discussion among the TAC members, the audience and the Department.

Based on the deliberations of the TAC and feedback from public participants, the following actions were recommended:

- Permit biosolids in a manner that minimizes migration of nutrients to prevent impairment to waterbodies. The Department should modify current permitting rules to:
 - Establish the rate of biosolids application based on site specifics, such as soil characteristics/adsorption capacity, water table, hydrogeology, site use, distance to surface water. This would better prevent nutrient pollution offsite;
 - Evaluate the percentage of water extractable phosphorus in all biosolids to inform the appropriate application rate; and
 - Establish criteria for low, medium and high-risk sites that guide application practices and required water quality monitoring.
- Increase the inspection rate of land application.

- Develop site specific groundwater and/or surface water monitoring protocols to detect nutrient migration.
- Develop and conduct biosolid and nutrient management research on nutrient run-off through surface and groundwater flow.
 - This should be done with various application rates, various types biosolid application and different geologic conditions.
- Promote innovative technology pilot projects for biosolids processing that could provide a wider range of beneficial end products.

The TAC disbanded on January 23, 2019.

Chapter 62-640 Rule Development

On March 22, 2019, the Department published the Notice of Rule Development to amend chapter 62-640, F.A.C. Rule development workshops were held in Tallahassee (June 25), Orlando (June 26), and West Palm Beach (June 27), where the Department provided an overview of rule changes and accepted public comment. The workshops were also available via webinar. Links to the [webinar recordings and information regarding the rulemaking](#) may be found on our website.

The [Department published the Notice of Proposed Rule](#) and the Statement of Estimated Regulatory Cost on October 29, 2019 (attached).

Based on the findings of the Statement of Estimated Regulatory Costs, the rule will require legislative ratification, which is supported by the Governor’s water quality improvement legislation as announced on October 16, 2019.

The proposed revisions to Ch. 62-640, F.A.C., include:

- Existing sites – revisions apply at permit renewal or within 3 years [100(5)(f)-(j)]
- All biosolids applications “projects of heightened public interest” [300(3)(d)]
- All biosolids site enroll in an FDACS Best Management Practices (BMP) Program [300(3)(g)]
- Nutrient management plan (NMP) major revisions
 - Compliance with Basin Management Action Plans [500(5)(c)]
 - Revisions to the determination of application rates [500(5)(i)]
 - Most limiting nutrient, Nitrogen (N) or Phosphorous (P), unless permittee can provide reasonable assurance [500(5)(i)]
 - Table of recommended N and P rates for crops with using biosolids [500(5)(i)1]
 - Soil phosphorus storage “capacity index” required [500(5)(i)4]
 - Biosolids %Water Extractable Phosphorous (PWEP) required [500(5)(i)6]
 - Adjustments of P allowed if positive capacity index and low %WEP [500(5)(i)7]
 - If N-based application rate, can only adjust N by a factor of 1.5 [500(5)(i)8]
 - Septage-specific application rates [500(5)(f)10]
 - Review NMP annually, revise if appropriate [500(8)]
 - Require annual soil fertility monitoring using IFAS “Phosphorus Index” test that provides “capacity index” [500(5)(e) and 650(3)(b)1]
- Require biosolids water extractable phosphorus (WEP) monitoring; site ground water monitoring and surface water monitoring [650(3)(a)1, 650(3)(a)3, 650(3)(c), and 650(3)(d)]
- Prohibit land application where the seasonal high water table is within 15 cm of soil surface (or depth of biosolids placement). [700(10)]

- Septage changes (delete flows, pathogen reduction and vector attraction reduction, staffing)
[100(5)(c), 600(2)(b) and (c), 880(2)(j)2]
- [62-640 SERC.pdf](#)



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