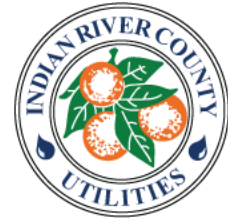


Indian River County  
Department of Utility Services



Indian River County, Department of Utility Services comments on the Florida Department of Environmental Protection's 2<sup>nd</sup> Draft Biosolids rule revision noticed October 29, 2019 (Florida Administrative Code 62-640)

Section reference:  
Notice of Proposed Rule:

Purpose and Effect: Department used in this section, but Agency and agency used elsewhere throughout the notice. If referring to the same entity, should keep reference the same.

Rule should be expanded based on the charge to the Florida Department of Environmental Protection that "The Department rules that were adopted on March 1, 1979, regarding water quality standards are designed to protect public health or welfare and to enhance the quality of waters of the state. They have been established taking into consideration the use and value of waters of the state for public water supply, agricultural, industrial, and other purposes." FAC 62-650.300(2)(a)

PURPOSE AND EFFECT: The Department is developing amendments to Chapter 62-640, F.A.C., to ensure the proper management, use and land application of biosolids to protect waters of the state from ~~nutrient pollution~~ **pollutants as referenced in Florida Statutes 403.031**, and in a manner that minimizes the migration of ~~nutrients~~ **pollutants** to prevent the impairment of waterbodies. The Department is proposing to amend the permitting rules to establish the ~~rate of biosolids application~~ **land application rate of biosolids** be based on biosolids characteristics and site-specific conditions, such as soil characteristics, water table, hydrogeology, site use, distance to surface water, **and plant tissue needs** in order to prevent ~~nutrient~~ **pollution to groundwater or surface waters. offsite**. The rule revisions would allow the Department to better evaluate phosphorus characteristics in all biosolids to inform decisions as to the appropriate application rate; and will establish criteria for low, medium and high-risk sites that guide application practices and required water quality monitoring. Rule revisions would also require site specific groundwater and/ or surface water monitoring plans to detect ~~nutrient~~ **pollutant** migration.

Summary: The summary statement is currently false unless the Department includes Class AA biosolids in this rule, and not treat as fertilizer and exempt from many of the requirements identified in this rule.

SUMMARY: Proposed amendments to Florida Administrative Code Chapter 62-640, entitled Biosolids, which regulates and ensures the proper management, use and land application of **Class A and Class B** biosolids to protect public health and the environment, were developed to revise the monitoring and permitting criteria for the land application and management of biosolids, as well as in response to the deliberations and recommendations of the Biosolids Technical Advisory Committee to better address nutrient concerns.

62.640.100(5)(f)(g)&(h): These sections and the timeframes referenced in the sections would still allow for a long period of time (3 years) before existing permitted sites would need to comply with all sections of the new rule. Based on data available from the 2017 FDEP Annual Report for a Biosolids Land Application site within Indian River County and based on FDEP estimates of 90,000 dry tons of Biosolids being land applied in 2018 state-wide, there potentially could be another 12,600,000 lbs of Nitrogen and 5,004,000 lbs of



Phosphorus from Class B biosolids spread annually on existing permitted sites with only Water Extractable Phosphorus data being collected, but no changes to the application practices.

Comment: Who would be responsible for cleaning up any Pollution that might be taking place by allowing this activity to continue – the land owner, the hauler, the generating wastewater facility, the State, the county, the ratepayers??

62-640.100(6)(a) What about adoption of new BMAPs while permit is active – adoption of new BMAP in area with existing permitted land application sites should trigger a reopening of the land application site permit.

62-640.200 Definitions:

- (9) Capacity index should have units reflected in equation
- (?) Soil Fertility Test should be defined in this section
- (42) & (51) “Seasonal high water” and “Water table” measured how?
- (53) “Yard trash” should be replaced with “Yard waste”

62-640.210 General Technical Guidance and Forms

- (1)(q) Since this is a new section, even the <https://dl.science> web address should be underlined
- (2)(a – e) Web address needs to be completed

62-640.300 General Requirements

- (3)(c) Reference for web site needs to be completed

62-640.400 Prohibitions.

COMMENT: Should the Department not be able to enact regulations ensuring that the land application of Biosolids is done in a manner protective to the environment and restoration efforts verified through water quality monitoring, then perhaps they should consider adding the Upper St Johns River Basin to the list of prohibited zones for application (similar to (11) Lake Okeechobee watershed and (12) Caloosahatchee River and St Lucie River watershed prohibitions).

62-640.500 Nutrient Management Plan

- (5)(d) Spell out what a Soil Fertility Test entails
- (5)(e) Soil Fertility Testing should be spelled out and also the test should be required annually, prior to application (information on testing found in 62-640.65(3)(b)(1).
- (5)(f) COMMENT: Reasonable Assurance – that should be defined and not vague, it is going to be offered as a way for additional biosolids to be applied to a site.
- (5)(f)(1) Table needs to define units of measurement (lbs ?)
- (5)(f)(1) Table should have ‘assuming’ verbiage removed. Rule should be based on facts, not assumptions.
- (5)(f)(7) Capacity is spelled incorrectly (capcity)
- (5)(f)(7)(a)(I-IV) Are the units correct (mg/Kg)? No units defined in the Capacity



equation presently, so no way to determine validity of the units in this section?

- (5)(f)(8) Seems to contradict sections in this Rule that make determinations based on Total Nitrogen instead of Plant Available Nitrogen referenced here (62-640.650(3)(b)(2)(c)(1)).

62.640.650 Monitoring, Record Keeping, Reporting and Notification

- (3)(b)(2)(c)(1) Timing between required test and any application rate changes based on the required test seems excessive and could allow for a significant period of time (years) before monitoring activities based on that data take place

- (3)(b)(2)(e) Tests in the Rule are required to be performed by a certified laboratory (in accordance with 62-620.610(18)(d)). Are all required tests recognized by laboratory certification programs (water extractable Phosphorus, etc.).

62-640.700 Requirements for Land Application of Biosolids

- (6)(3)(2)(f) In addition to the provisions of subparagraph 62-640.700(6)(e)(1)., F.A.C., measures to prevent leaching and run-off of nutrients pollutants are also implemented.

- (10)(a) – (c) How is this to be measured – locations of piezometers or monitoring wells should be defined and appropriate measurement units.

**GENERAL COMMENT:** Wastewater plants adjust operations throughout the process depending on influent and effluent characteristics. Basing applications on estimates or at the most monthly analyses of Biosolids may not be protective to the environment, as these values can change drastically based on the desired treatment process of the contributing wastewater plant. Application rates should be based on real values of the loads destined for application.