

INDIAN RIVER COUNTY
BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

TO: Members of the Board of County Commissioners

DATE: February 6, 2019

SUBJECT: Blue Cypress Lake and Biosolids

FROM: Commissioner Bob Solari

The FDEP Biosolids TAC has met and FDEP has come up with a number of items that they will address, which should to some degree reduce the damage done to Florida waters by Class B biosolids.

It was clear that FDEP views biosolids as a statewide issue that needs to be addressed, but after attending three of the four TAC sessions, it did not seem to me that there was any sense of urgency. While they looked at the problem generally, the TAC committee spent very little time discussing the problem at Blue Cypress Lake and rarely asked the type of follow-up questions that would be expected if this was considered a matter of real concern.

One take away that I had was that the majority of TAC members seemed basically content with the status quo. They might support small changes at the margin but did not at all consider the biosolids issue as one of significance for water quality in Florida.

I believe the view of this Board and the vast majority of the people of the State of Florida is much different than that of the Biosolids TAC members. We view what is happening at Blue Cypress Lake as a water quality issue of great concern. Small changes at the margin will not in a meaningful way address the issue. Given that damage that is being done to the headwaters

of the St. John's River, the problem is grave and urgently needs immediate attention.

Reason coupled with the history of water in Florida and the present condition of the waters of the State would suggest an immediate ban of the dumping of Class B biosolids anywhere near any important water body.

Reason coupled with what we know is being done adjacent to the Blue Cypress Lake would have me suggest that we immediately permanently ban the dumping of Class B biosolids anywhere in Indian River County.

But, just as politics often trumps reason, state law often trumps a county from doing what is clearly the right thing for its community.

I will note that FDEP did announce at the second Biosolids TAC session that FDEP was starting to develop a Basin Management Action Plan (BMAP) for the upper basin of the St. John's River – the area including the Blue Cypress Lake. On being questioned as to the timing of the BMAP's development, FDEP said that it would be two years before the BMAP was complete.

Given the importance of the Blue Cypress Lake to Indian River County and to all Florida communities along the northern path of the St. John's River, I suggest that we at a minimum:

1. Direct staff to play an active part in the formation of the BMAP for the upper basin of the St. John's River.
2. During the development of the BMAP, direct staff to work with FDEP to have those responsible for the pollution be responsible for the remediation of the pollution.
3. Direct staff to strongly recommend to FDEP and SJRWD that all testing currently being done continue at least through the BMAP process.
4. At the Biosolids TAC, some members of the TAC expressed the view that it was not clear that the dumping of biosolids a mile from the Blue Cypress Lake was having any negative impact on the water quality of the Blue Cypress Lake. Given this I suggest that we ask staff, working with our consultant and FDEP and the SJRWD, to develop a testing protocol for FDEP to implement which will clearly address the issue of the source of any nutrients entering the Blue Cypress Lake.

At a minimum this protocol should require water quality monitoring of all known sources of possible pollution such, as the County's package plant and all sites where there the dumping of biosolids is permitted.

5. Presently it is estimated that the County's package plant might be responsible for up to 34 pounds of phosphorus that could possibly end up in the Lake. I would like us to ask staff to make recommendations to the BCC as to how we might further reduce the amount of nutrients which the package plant might possibly be responsible for sending to the Lake.

Just as we are doing with the Indian River Lagoon, I believe the County must aggressively address any nutrients that are impairing the water quality of the Blue Cypress Lake. But, given the size and scope of what we are dealing with at the Indian River Lagoon, two things are clear: first, given what we know about the water quality problems in Indian River County and the State of Florida, and given what we now know about the problems with Class B biosolids, we cannot sit back and hope that somebody else or some other agency will address the problem; and second, given what we now know about how devastating nutrients can be to the quality of water, and how expensive it is to remediate a water quality problem once the problem is established, we must do all we can to make sure that the person or entity, be it a landowner, hauler, out-of-town wastewater treatment facility or government agency, which is responsible for causing the water quality problem is responsible for paying the costs of remediation for the problem.

Thank you.

