



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 6899, Version: 1

Subject:

Extension of Temporary Moratorium on New Applications of Biosolids to Lands within Brevard County

Fiscal Impact:

N/A

Dept/Office:

Natural Resources Management

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing on adopting an extension of the moratorium for any new applications of biosolids to lands within Brevard County for 365 days.

Summary Explanation and Background:

On October 8, 2019, the Board of County Commissioners approved Ordinance 19-20, a 180-day moratorium on any new permits that would expand the application of biosolids to lands in Brevard County. The moratorium was initially in response to a blue-green cyanobacteria, *Dolichospermum circinale*, bloom in Lake Washington in July 2019, which generated questions about the safety of a primary drinking water supply for Brevard County. Toxin levels measured during the 2019 bloom were low and did not indicate human health concerns. Additional blooms producing toxic microcystins, still below thresholds for human health concerns, were documented in September 2020, March 2021, December 2021, January 2022, March 2022, and February 2023.

The Board of County Commissioners voted in favor of 180-day extensions of the temporary biosolids moratorium in April and October of 2020, in March and August of 2021, and again in February 2022, as Ordinances 2020-05, 2020-18, 2021-07, 2021-20 and 2022-04 respectively. The Board voted in favor of a 365-day extension of the moratorium on August 2, 2022, and again on July 11, 2023, as Ordinance 2022-19 and 2023-13.

Biosolids legislation in Senator Mayfield's Clean Waterways Act (Senate Bill 712) was approved by the Legislature on March 12, 2020. This legislation directed the Department of Environmental Protection (FDEP) to revise its rules to reduce the impacts of biosolids on water quality and allows for the extension of county biosolids moratoria adopted prior to November 1, 2019. On June 21, 2021, Governor DeSantis signed House Bill 1309 allowing the FDEP to move forward with rule adoption without review by the Environmental Regulation Commission. As of July 1, 2022, FDEP requires biosolids land application sites to be enrolled in Florida Department of Agriculture and Consumer Services Best Management Practices program and prohibits land application on soils with a seasonal high water table within six inches of the soil surface or depth of biosolids placement.

The 2020 state biosolids rule revisions are expected to reduce phosphorus pollution but not prevent it. Funding was provided to the St. Johns River Water Management District for biosolids research on the continuing impacts under the new rule and to inform future rule revisions and potential mitigation measures. This research is underway with completion expected by mid-2025.

Clerk to the Board Instructions:

If adopted, please return a certified copy of the ordinance to Natural Resources.