



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3138, **Version:** 1

Subject:

Public Hearing Re: Extension of Temporary Moratorium on New Applications of Biosolids to Lands within Brevard County.

Fiscal Impact:

FY 20/21: Advertising Costs

Dept/Office:

Natural Resources Management

Requested Action:

It is requested that the Local Planning Agency conduct a public hearing on extension of the 180-day moratorium on any new applications of biosolids to lands within Brevard County.

Summary Explanation and Background:

On October 8, 2019, in regular session, the Brevard 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 Board directed staff to sample potential causes or contributing factors of lake pollution and report back to the Board in six months for re-evaluation.

On April 7, 2020, in regular session, the Board of County Commissioners voted in favor of Ordinance 20-05, a 180-day extension of the temporary biosolids moratorium. On October 6, 2020, in regular session, another 180-day extension was passed as Ordinance 2020-18. The moratorium was extended again on March 9, 2021, in regular session, as Ordinance 2021-07.

Biosolids legislation in Senator Mayfield's Clean Waterways Act (Senate Bill 712) was approved by the Legislature on March 12, 2020, and approved by Governor DeSantis on June 30, 2020. This legislation directed the Department of Environmental Protection (FDEP) to revise its rules to reduce the impacts of biosolids on water quality and allowed 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.

The Department of Environmental Protection (FDEP) developed rule revisions that are expected to reduce phosphorus pollution but not prevent it. The Water Management District is continuing with their biosolids research to quantify continuing impacts under the new rule and inform future rule revisions.

The moratorium is in response to a blue-green cyanobacteria, *Dolichospermum circinale*, bloom in Lake Washington in the summer of 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. Based on available data at that time, largest likely contributors were nutrients from the land application of biosolids and/or commercial fertilizer on agricultural lands upstream and west of the lake, state water management projects upstream of the lake, or commercial/industrial and residential development and septic systems east of the lake.

County staff collaborated with the University of Florida, United States Department of Agriculture's Natural Resources Conservation Service, Brevard Soil and Water Conservation District, Florida Department of Environmental Protection, and St. Johns River Water Management District to develop a sampling plan. A multi-agency team collaborated to collect 50 soil samples from the ranch while Applied Ecology, Inc., with supervision from county and University of Florida staff, collected 11 water samples, and 3 grass tissue samples. Samples were tested for multiple forms of nitrogen and phosphorus, and other contaminants of emerging concern at Deer Park Ranch, upstream of and within Lake Washington, and in residential drainage canals entering Lake Washington from the east.

With regard to the principal purpose of the testing and the moratorium - nutrients - the soil and water samples both indicate that phosphorus from state-permitted land application of biosolids to cattle pastures is leaving Deer Park Ranch and entering the St. Johns River during periods of heavy rain. Soil data indicate that a long history of land applying biosolids on the ranch has exceeded the capacity of most pasture soils to hold phosphorus. The resultant release of excess phosphorus contributes to altered nitrogen to phosphorus ratios in local surface waters and associated increased risk of harmful algal blooms in Lake Washington. The Water Sampling Report and Soil Sampling Results are attached.

Despite excess nutrients in ranch discharge, no manmade chemicals suggestive of human health concerns were found leaving Deer Park Ranch. While a few pharmaceuticals were found in plant tissue samples on the ranch, these were not found in water leaving the site. Metals leaving the site were low concentrations, below drinking water threshold values, assuming typical hardness values for local surface waters.

Clerk to the Board Instructions: