



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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File #: 7929, Version: 1

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### 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 regarding adopting an extension of the moratorium for any new applications of biosolids to lands within Brevard County effective July 8, 2025, 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, February 2023, August 2024, and April 2025.

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, July 11, 2023, and again on July 9, 2024, as Ordinances 2022-19, 2023-13, and 2024-11 respectively.

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. As of December 22, 2022, FDEP requires biosolids land application sites to submit revised nutrient management plans considering phosphorus capacity of the receiving soils, and groundwater and surface water monitoring plans.

The 2020 state biosolids rule revisions are expected to reduce phosphorus pollution but not prevent it. State 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.

Biosolids have been applied in Brevard County each year since the implementation of the ordinance under the authority of grandfathered permits. Deer Park is the only remaining land application site in Brevard County currently accepting biosolids. Two former biosolids land application sites, Port St. John and Jakubcin, no longer have active permits. Two additional land application sites, Deseret and Kenansville Ranch, have permits to apply biosolids to land immediately adjacent to Brevard County; however, Deseret inactivated their land application permit in 2024.

### **Clerk to the Board Instructions:**

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