

# **Board of County Commissioners**

## **Agenda Request**

Date of Meeting: January 25, 2010

Date Submitted: January 8, 2010

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator  
Heather J. Encinosa, County Attorney

Subject: Request Board Approval to Conduct the Public Hearing and Adopt an Ordinance on Florida-Friendly Fertilizer Use on Urban Landscapes as a Mechanism for Protecting Local Surface Water and Groundwater Quality

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### **Statement of Issue:**

This agenda item requests Board approval to conduct the public hearing and adopt the proposed Ordinance on Florida-Friendly Fertilizer Use on Urban Landscapes as a mechanism for protecting local surface water and groundwater quality.

Chapter 2009-199, Laws of Florida, creates Section 403.9337, Florida Statutes, to require each county located within the watershed of a water body or water segment that is listed as impaired by nutrients pursuant to Section 403.067, to adopt the Department of Environmental Protection Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. This law went into effect on July 1, 2009 and is attached as Attachment #1.

### **Background:**

According to the Florida Department of Environmental Protection, Wakulla County is located within the watershed of a water body or segments that are listed as impaired by nutrients. Specifically, the Wakulla River and Springs are listed in the attached spreadsheet (Attachment #2) as impaired by nutrients.

On December 8, 2009, the BoCC approved the advertising of a public hearing to consider the adoption of the Ordinance on Florida-Friendly Fertilizer Use on Urban Landscapes as a Mechanism for Protecting Local Surface Water and Groundwater Quality. The required notice for this public hearing was published in the Wakulla News on January 7, 2010.

### **Analysis:**

In light of the recent legislative directive, the County Attorney recommends adopting the DEP Model Ordinance on Florida-Friendly Fertilizer Use on Urban Landscapes as a Mechanism for Protecting Local Surface Water and Groundwater Quality. The County must adopt the model ordinance, but the County does have the discretion to adopt additional or more stringent standards than the model ordinance if:

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(1) the County has demonstrated, as part of a comprehensive program to address nonpoint sources of nutrient pollution, that additional or more stringent standards are necessary to adequately address urban fertilizer contributions to nonpoint source nutrient loading; and

(2) the County documents that is being considered all relevant scientific information on the need for additional or more stringent provisions to address fertilizer use as a contributor to water quality degradation.

At this time, it does not appear that the County has the required information to support additional or more stringent requirements without additional study. If the Board desires to pursue additional or more stringent requirements on the use of fertilizer, the County Attorney recommends that the Board put the model ordinance in place and then consider amendment to the model ordinance in the future after additional study.

Please note that this ordinance, which is attached as Attachment #3, does not apply to the use of fertilizer on farm operations as defined in s. 823.14, Florida Statutes, or on lands classified as agricultural lands pursuant to s. 193.461, Florida Statutes.

**Options**

1. Hold the Public Hearing and adopt the Ordinance on Florida-Friendly Fertilizer Use on Urban Landscapes as a Mechanism for Protecting Local Surface Water and Groundwater Quality.
1. Do not hold the Public Hearing and do not adopt the Ordinance on Florida-Friendly Fertilizer Use on Urban Landscapes as a Mechanism for Protecting Local Surface Water and Groundwater Quality.
2. Board Direction.

**Recommendation**

Option #1

**Attachments:**

1. Chapter 2009-199, Laws of Florida
2. Verified Impaired Waters for the St. Marks/Ochlockonee watershed
3. Proposed Ordinance