



GROWTH AND RESOURCE MANAGEMENT

March 25, 2014

VIA REGULAR MAIL:

Dr. Laurie E. Trenholm
Environmental Horticulture Department
University of Florida Institute of Food and Agricultural Sciences
PO Box 110675
Gainesville, FL 32611-0675

VIA EMAIL:

letr@uf.edu

Dear Dr. Trenholm:

Over the past several months, Volusia County has been discussing potential regulations regarding fertilizer use. At the March 6, 2014, Volusia County Council meeting, the Council directed staff to prepare an ordinance consistent with the state model ordinance for fertilizer use. Council will consider adopting the state model on April 3, 2014. The Council also directed staff to transmit two local options to the required reviewing agencies for comment. These proposed standards may be considered by the Council at a future date, but will not be adopted on April 3, 2014.

Please accept this letter as transmittal of the below proposed local options, as required by Section 403.9337(2)(b), *Florida Statutes*. If the Council chooses to adopt more stringent standards than the Model Ordinance, it will consider all relevant scientific information, including input from the Florida Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services, and the University of Florida Institute of Food and Agricultural Sciences on the need for additional or more stringent provisions to address fertilizer use as a contributor to water quality degradation in Volusia County. As required by Section 403.9337(2)(b), *Florida Statutes*, all documentation will become part of the public record before adoption of any additional or more stringent criteria.

Links to this documentation can be found on the county's web site:

<http://www.volusia.org/services/growth-and-resource-management/environmental-management/pollution-control/Fertilizer-Ordinance.shtml>

123 West Indiana Avenue, Room 200 • DeLand, FL 32720-4612
Tel: 386-740-5210 • 386-257-6000 • 386-423-3367 • FAX: 386-822-5727

www.volusia.org

Both the Model Ordinance and any additional local options, if adopted, will become part of Volusia County's comprehensive program to address nutrient pollution, which includes, but is not limited to, the county's stormwater management program, surface water quality sampling and pollution control program, water conservation initiative (Greenvolusia.org), septic tank management and abatement, public education, and land development standards. Volusia County has determined that nonpoint sources of pollution, including fertilizer runoff, contribute significant amounts of nutrients to our water bodies and that runoff from improper use of fertilizer can contribute to nitrogen and phosphorus pollution in the Volusia County's stormwater and drainage conveyances.

More specifically regarding stormwater, Volusia County has a strict stormwater ordinance and illicit discharge enforcement program; however, many communities near our most sensitive water bodies were constructed prior to stormwater management requirements. This raises concerns regarding fertilizer and stormwater runoff as opposed to only leaching.

Regarding surface water quality, Volusia County has an extensive surface water quality monitoring program to track and respond to changes in nutrient and other pollution levels. Volusia County initiates specific projects to improve surface water quality, including projects that have reduced street flooding, improved maintenance of drainage facilities, reduced erosion and sedimentation in canals and ditches, and improved the overall quality of water in our canals, lakes and aquifers. Nonetheless, the Florida Department of Environmental Protection has mandated total maximum daily loads (TMDLs) of nitrogen and phosphorus for water bodies deemed impaired in Volusia County, and has estimated nutrient contributions from nonpoint source pollution, including fertilizer, in many of Volusia County's surface waters including:

- The final TMDL report "Nutrient TMDL for Halifax River, WBID 2363B" dated July 2013, estimates nonpoint source contributions of 475,261 pounds per year of total nitrogen and 33,349 pounds per year of total phosphorus.
- The draft TMDL report "Nutrient TMDL for Tomoka River (Fresh Water), WBID 2634" dated March 2013, estimates nonpoint source contributions of 338,774 pounds per year of total nitrogen and 22,101 pounds per year of total phosphorus.
- The final TMDL report "Nutrient and Dissolved Oxygen TMDLs for the Six Middle St. Johns River Segments between the Inlet of Lake Harney (WBID 2964A) and St. Johns River above Wekiva River (WBID 2893C)" dated December 7, 2009, estimates nonpoint source contributions of 718,907 pounds per year of total nitrogen and 73,961 pounds per year of total phosphorus.
- The final TMDL report "Nutrient and Dissolved Oxygen TMDLs for the Indian River Lagoon and Banana River Lagoon" dated March 2009, estimates nonpoint source contributions of 134,986 pounds per year of total nitrogen and 13,901 pounds per year of total phosphorus in the North Indian River Lagoon (WBID 2963F).

- The final TMDL report “Dissolved Oxygen and Nutrient TMDL for Spruce Creek, WBID 2674A” dated April 2008, estimates nonpoint source contributions of 18,562 pounds per year of total nitrogen and 4,578 pounds per year of total phosphorus.

Based on the above findings and subject to additional documentation submitted to the public record before adoption of any additional or more stringent standards than the Model Ordinance, Volusia County hereby transmits the following proposed ordinance provisions for comment:

1. No fertilizer containing phosphorus shall be applied to turf, sod, lawns or landscape plants unless a soil or plant tissue deficiency is verified by a testing methodology approved by the University of Florida, Institute of Food and Agricultural Sciences. If a deficiency is verified, the application of fertilizer containing phosphorus shall adhere to the rates and directions for the Southern Region of Florida, as adopted by Florida Administrative Code Rule.
2. All fertilizers containing nitrogen shall contain at least fifty percent (50%) Slow Release Nitrogen per a Guaranteed Analysis Label.

Thank you for your time and please contact me with any questions.

Sincerely,



Kelli McGee
Director, Growth and Resource Management

cc: Florida Department of Environmental Protection



GROWTH AND RESOURCE MANAGEMENT

March 25, 2014

VIA REGULAR MAIL:

Ms. Elizabeth (Beth) Alvi, Administrator
Water Quality Restoration Program
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

VIA EMAIL:

Elizabeth.Alvi@fdep.state.fl.us

Dear Ms. Alvi:

Over the past several months, Volusia County has been discussing potential regulations regarding fertilizer use. At the March 6, 2014, Volusia County Council meeting, the Council directed staff to prepare an ordinance consistent with the state model ordinance for fertilizer use. Council will consider adopting the state model on April 3, 2014. The Council also directed staff to transmit two local options to the required reviewing agencies for comment. These proposed standards may be considered by the Council at a future date, but will not be adopted on April 3, 2014.

Please accept this letter as transmittal of the below proposed local options, as required by Section 403.9337(2)(b), *Florida Statutes*. If the Council chooses to adopt more stringent standards than the Model Ordinance, it will consider all relevant scientific information, including input from the Florida Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services, and the University of Florida Institute of Food and Agricultural Sciences on the need for additional or more stringent provisions to address fertilizer use as a contributor to water quality degradation in Volusia County. As required by Section 403.9337(2)(b), *Florida Statutes*, all documentation will become part of the public record before adoption of any additional or more stringent criteria.

Links to this documentation can be found on the county's web site:

<http://www.volusia.org/services/growth-and-resource-management/environmental-management/pollution-control/Fertilizer-Ordinance.stml>

123 West Indiana Avenue, Room 200 • DeLand, FL 32720-4612
Tel: 386-740-5210 • 386-257-6000 • 386-423-3367 • FAX: 386-822-5727

www.volusia.org

Both the Model Ordinance and any additional local options, if adopted, will become part of Volusia County's comprehensive program to address nutrient pollution, which includes, but is not limited to, the county's stormwater management program, surface water quality sampling and pollution control program, water conservation initiative (Greenvolusia.org), septic tank management and abatement, public education, and land development standards. Volusia County has determined that nonpoint sources of pollution, including fertilizer runoff, contribute significant amounts of nutrients to our water bodies and that runoff from improper use of fertilizer can contribute to nitrogen and phosphorus pollution in the Volusia County's stormwater and drainage conveyances.

More specifically regarding stormwater, Volusia County has a strict stormwater ordinance and illicit discharge enforcement program; however, many communities near our most sensitive water bodies were constructed prior to stormwater management requirements. This raises concerns regarding fertilizer and stormwater runoff as opposed to only leaching.

Regarding surface water quality, Volusia County has an extensive surface water quality monitoring program to track and respond to changes in nutrient and other pollution levels. Volusia County initiates specific projects to improve surface water quality, including projects that have reduced street flooding, improved maintenance of drainage facilities, reduced erosion and sedimentation in canals and ditches, and improved the overall quality of water in our canals, lakes and aquifers. Nonetheless, the Florida Department of Environmental Protection has mandated total maximum daily loads (TMDLs) of nitrogen and phosphorus for water bodies deemed impaired in Volusia County, and has estimated nutrient contributions from nonpoint source pollution, including fertilizer, in many of Volusia County's surface waters including:

- The final TMDL report "Nutrient TMDL for Halifax River, WBID 2363B" dated July 2013, estimates nonpoint source contributions of 475,261 pounds per year of total nitrogen and 33,349 pounds per year of total phosphorus.
- The draft TMDL report "Nutrient TMDL for Tomoka River (Fresh Water), WBID 2634" dated March 2013, estimates nonpoint source contributions of 338,774 pounds per year of total nitrogen and 22,101 pounds per year of total phosphorus.
- The final TMDL report "Nutrient and Dissolved Oxygen TMDLs for the Six Middle St. Johns River Segments between the Inlet of Lake Harney (WBID 2964A) and St. Johns River above Wekiva River (WBID 2893C)" dated December 7, 2009, estimates nonpoint source contributions of 718,907 pounds per year of total nitrogen and 73,961 pounds per year of total phosphorus.
- The final TMDL report "Nutrient and Dissolved Oxygen TMDLs for the Indian River Lagoon and Banana River Lagoon" dated March 2009, estimates nonpoint source contributions of 134,986 pounds per year of total nitrogen and 13,901 pounds per year of total phosphorus in the North Indian River Lagoon (WBID 2963F).

- The final TMDL report “Dissolved Oxygen and Nutrient TMDL for Spruce Creek, WBID 2674A” dated April 2008, estimates nonpoint source contributions of 18,562 pounds per year of total nitrogen and 4,578 pounds per year of total phosphorus.

Based on the above findings and subject to additional documentation submitted to the public record before adoption of any additional or more stringent standards than the Model Ordinance, Volusia County hereby transmits the following proposed ordinance provisions for comment:

1. No fertilizer containing phosphorus shall be applied to turf, sod, lawns or landscape plants unless a soil or plant tissue deficiency is verified by a testing methodology approved by the University of Florida, Institute of Food and Agricultural Sciences. If a deficiency is verified, the application of fertilizer containing phosphorus shall adhere to the rates and directions for the Southern Region of Florida, as adopted by Florida Administrative Code Rule.
2. All fertilizers containing nitrogen shall contain at least fifty percent (50%) Slow Release Nitrogen per a Guaranteed Analysis Label.

Thank you for your time and please contact me with any questions.

Sincerely,



Kelli McGee
Director, Growth and Resource Management

cc: University of Florida Institute of Food and Agricultural Sciences



GROWTH AND RESOURCE MANAGEMENT

March 25, 2014

VIA REGULAR MAIL:

Mr. Weldon Collier, Program Planning Coordinator
Division of Agricultural Environmental Services
Florida Department of Agriculture and Consumer Services
3125 Conner Boulevard
Tallahassee, FL 32399-1650

VIA EMAIL:

Weldon.Collier@FreshFromFlorida.com

Dear Mr. Collier:

Thank you for your correspondence dated March 5, 2014. As you know, Volusia County has been discussing potential regulations regarding fertilizer use. At the March 6, 2014, Volusia County Council meeting, the Council directed staff to prepare an ordinance consistent with the state model ordinance for fertilizer use. Council will consider adopting the state model on April 3, 2014. The Council also directed staff to transmit two local options to the required reviewing agencies for comment. These proposed standards may be considered by the Council at a future date, but will not be adopted on April 3, 2014.

Please accept this letter as transmittal of the below proposed local options, as required by Section 403.9337(2)(b), *Florida Statutes*. If the Council chooses to adopt more stringent standards than the Model Ordinance, it will consider all relevant scientific information, including input from the Florida Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services, and the University of Florida Institute of Food and Agricultural Sciences on the need for additional or more stringent provisions to address fertilizer use as a contributor to water quality degradation in Volusia County. As required by Section 403.9337(2)(b), *Florida Statutes*, all documentation will become part of the public record before adoption of any additional or more stringent criteria.

Links to this documentation can be found on the county's web site:

<http://www.volusia.org/services/growth-and-resource-management/environmental-management/pollution-control/Fertilizer-Ordinance.stml>

Both the Model Ordinance and any additional local options, if adopted, will become part of Volusia County's comprehensive program to address nutrient pollution, which includes, but is not limited to, the county's stormwater management program, surface water quality sampling and pollution control program, water conservation initiative (Greenvolusia.org), septic tank management and abatement, public education, and land development standards. Volusia County has determined that nonpoint sources of pollution, including fertilizer runoff, contribute significant amounts of nutrients to our water bodies and that runoff from improper use of fertilizer can contribute to nitrogen and phosphorus pollution in the Volusia County's stormwater and drainage conveyances.

More specifically regarding stormwater, Volusia County has a strict stormwater ordinance and illicit discharge enforcement program; however, many communities near our most sensitive water bodies were constructed prior to stormwater management requirements. This raises concerns regarding fertilizer and stormwater runoff as opposed to only leaching.

Regarding surface water quality, Volusia County has an extensive surface water quality monitoring program to track and respond to changes in nutrient and other pollution levels. Volusia County initiates specific projects to improve surface water quality, including projects that have reduced street flooding, improved maintenance of drainage facilities, reduced erosion and sedimentation in canals and ditches, and improved the overall quality of water in our canals, lakes and aquifers. Nonetheless, the Florida Department of Environmental Protection has mandated total maximum daily loads (TMDLs) of nitrogen and phosphorus for water bodies deemed impaired in Volusia County, and has estimated nutrient contributions from nonpoint source pollution, including fertilizer, in many of Volusia County's surface waters including:

- The final TMDL report "Nutrient TMDL for Halifax River, WBID 2363B" dated July 2013, estimates nonpoint source contributions of 475,261 pounds per year of total nitrogen and 33,349 pounds per year of total phosphorus.
- The draft TMDL report "Nutrient TMDL for Tomoka River (Fresh Water), WBID 2634" dated March 2013, estimates nonpoint source contributions of 338,774 pounds per year of total nitrogen and 22,101 pounds per year of total phosphorus.
- The final TMDL report "Nutrient and Dissolved Oxygen TMDLs for the Six Middle St. Johns River Segments between the Inlet of Lake Harney (WBID 2964A) and St. Johns River above Wekiva River (WBID 2893C)" dated December 7, 2009, estimates nonpoint source contributions of 718,907 pounds per year of total nitrogen and 73,961 pounds per year of total phosphorus.
- The final TMDL report "Nutrient and Dissolved Oxygen TMDLs for the Indian River Lagoon and Banana River Lagoon" dated March 2009, estimates nonpoint source contributions of 134,986 pounds per year of total nitrogen and 13,901 pounds per year of total phosphorus in the North Indian River Lagoon (WBID 2963F).
- The final TMDL report "Dissolved Oxygen and Nutrient TMDL for Spruce Creek, WBID 2674A" dated April 2008, estimates nonpoint source contributions

of 18,562 pounds per year of total nitrogen and 4,578 pounds per year of total phosphorus.

Based on the above findings and subject to additional documentation submitted to the public record before adoption of any additional or more stringent standards than the Model Ordinance, Volusia County hereby transmits the following proposed ordinance provisions for comment:

1. No fertilizer containing phosphorus shall be applied to turf, sod, lawns or landscape plants unless a soil or plant tissue deficiency is verified by a testing methodology approved by the University of Florida, Institute of Food and Agricultural Sciences. If a deficiency is verified, the application of fertilizer containing phosphorus shall adhere to the rates and directions for the Southern Region of Florida, as adopted by Florida Administrative Code Rule.
2. All fertilizers containing nitrogen shall contain at least fifty percent (50%) Slow Release Nitrogen per a Guaranteed Analysis Label.

Thank you for your time and please contact me with any questions.

Sincerely,



Kelli McGee
Director, Growth and Resource Management

cc: Florida Department of Environmental Protection
University of Florida Institute of Food and Agricultural Sciences