

10. OLD BUSINESS

- a. Water Quality Issues
 - 8. Fertilizer Regulation
 - b. Fertilizer connection to Red Tide discussion (Vice Mayor Denham)

Fertilizer Connection to Red Tide Discussion

Council member Marilyn Smith-Mooney has requested that this issue be brought before the Council for discussion. She stated that she felt that it would be a good discussion for the Council, with the thought that a committee be formed to draft appropriate guidelines/regulations for counties and cities within the Southwest Florida Region to uniformly adopt as ordinances and also submit them to the local legislative delegation for enactment on a statewide basis. The following are attachments for your review:

- Fertilizer Changes Draw High-Profile Interest Article from the Sun-Herald;
- Memo to the Sarasota County BOCC from Jack Merriam regarding Fertilizer Management; and
- Sarasota County Resolution #2006-126: Resolution of the Board of County Commissioners of Sarasota County, Florida, Demonstrating a Significant Commitment on the part of Sarasota County Government to Establish and Implement Policies, to Reduce Pollutants in County Waterways Resulting from Improper Fertilization Practices and Thereby Improve the Quality of County Waterways.

06/2006

To: BCC

Through: James L. Ley

Through: Robert Patten
Theresa Connor

From: Jack Merriam

Subject: Fertilizer Management

Date: May 24, 2006

Recommended Motion(s) or Action(s):

No action is necessary; this is a discussion for the Board to provide staff with direction on preferred alternatives to promote proper use of fertilizer within Sarasota County.

Summary:

After last year's severe outbreak of red tide, some community members have suggested that stormwater runoff carrying nutrient pollution caused the continued outbreak. Although there is no scientific evidence that ties pollution from our watersheds to the red tide outbreaks in the Gulf of Mexico, we do know that stormwater runoff is the largest source of nutrient pollution to our bays and estuaries. The nutrient pollution can be tied to a slight trend of increasing concentrations of chlorophyll a in some bays in Sarasota County. Improper fertilizer use within the watersheds can be a significant contributor of nutrient pollution within stormwater runoff. Therefore, it does make sense for the Board of County Commissioners (BCC) to be concerned about fertilizer use within the County and take action to promote best management practices for utilizing fertilizer products. One suggestion has been to adopt an ordinance similar to an ordinance adopted by St. John's County. This report will include a review of the pros and cons associated with the St. John's Fertilizer Ordinance; a discussion of local government's role and options in managing fertilizer use; regulatory options; options to influence the fertilizer industry and retailers of fertilizer products; options to influence the landscape maintenance industry; possible roles of neighborhood programs and neighborhood associations; and potential educational programs.

St. John's Ordinance – the Pros and Cons

St. Johns County passed an ordinance in January 2000 which required very prescriptive means for fertilizer use within the Guana River Marsh Basin of the County and included administrative search of vehicles, containers, or other equipment. This ordinance was challenged in the courts based upon the administrative search provisions. Based upon these challenges St. John's County and the plaintiffs agreed to mediate. The administrative search provisions were removed from the ordinance, as well as other

changes resulting in the current version of the ordinance. Discussions with staff have indicated that St. John's County is not strictly enforcing the current ordinance.

A prescriptive ordinance can be effective as a short term communications program to educate the community on proper fertilizer management practices. Cons include the need for a costly and difficult enforcement program for the ordinance to be effective. It also fails to engage citizens in a positive and active way in doing their part to protect our bays and other water resources.

Local Government's Role in Managing Fertilizer Use

Sarasota County Government has always sought to be a leader through demonstrating appropriate best management practices in their own activities. Therefore an ongoing audit of the County's own landscape management practices and an on-going education forum for County employees and contractors who maintain landscapes for our facilities as well as ball fields, parks or other turf areas should be done. This program can be done in conjunction with the Cooperative Extension. In addition, Sarasota County can work with the fertilizer industry to assure that a "Sarasota Friendly" fertilizer that utilizes slow release technology is utilized as part of our landscape maintenance program, and encourage other governmental entities such as adjacent counties and cities, and the School Board to do the same.

Community Conversations

Sarasota County should facilitate community conversations to include stakeholders including but not limited to government entities, fertilizer manufacturers and retailers, landscape maintenance professionals, neighborhood associations, and civic and business organizations to develop a comprehensive community-based plan of action to reduce pollution from fertilization and other vegetation maintenance activities.

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Regulatory Options

In 2001 the BCC adopted Ordinance 2001-81, the Landscape Ordinance that establishes requirements landscapes in new development to limit the amount of turf, requires efficient irrigation systems, and requires drought tolerant plantings. This ordinance not only benefits water conservation, but the reduced amount of turf and water conservation measures, can have positive impact on the proper use of fertilizer within the County. This ordinance can be modified to articulate the intention to optimize use of fertilizer and require that developers leave a manual of best management practices for the homeowners and the laminated monthly calendar of suggested fertilizer practices near the irrigation system control box for the homeowner.

- **Adopt Low Impact Design Standards**

One aspect of Low Impact Design begins with protection of native soils and vegetation in order to mimic pre-development runoff patterns. These techniques can

- Periodic *State of the Bay* or *State of Our Water Resources* reports could give the community an overall indication of how we are doing at reducing water quality pollution.

Fertilizer changes draw high-profile interest

By BOB REDDY

STAFF WRITER

SARASOTA — There is no clear evidence of what causes red tide outbreaks, but scientists agree that fertilizer runoff is probably a contributing factor.

Jack Merriam, Sarasota County water quality manager, said stormwater runoff is a problem in area waters is nitrogen, which is a leading cause for red tide blooms. Merriam said the county is looking to follow a comprehensive ordinance from St. Johns County. That ordinance helped clean major waterways by requiring licensing from lawn care maintenance companies and by addressing other issues, such as septic tank quality.

The idea of creating a similar ordinance in Sarasota County came before the commissioners Wednesday. The board approved a general plan to use a blend of regulation, education and training, research and demonstration, to develop a community solution to curb pollution

caused by fertilizer runoff. Eric Santalla, a statewide ergonomist for TruGreen ChemLawn, said she hopes the county doesn't focus only on fertilizers and regulating companies, but rather should develop a model ordinance that concerns the average person. Mary Compton, of Manasota 88, said she wants the county to have a stronger and effective ordinance. "What we apply to our lawns ultimately effects our water," she argued. Stuart DeCew, red tide campaign coordinator for the Sierra Club Florida Chapter, said the fertilizer industry needs to adapt to the needs of Sarasota County and not to bully the county into developing ineffective protective measures.

Kip Alexander, the county horticulturist, said the county uses the Florida Department of Environmental Protection's "best management" practices, and that means only 15 percent of the county-maintained land needs fertilizer. That is reserved for athletic fields, which are the

exception. Alexander said the management practices include knowing whether fertilizer is actually needed, knowing where to put it, when to apply it and what type of fertilizer to apply.

The key lesson to learn is to "stay away from water and land surfaces (driveways), and don't overmanage your landscape." If everyone were to follow these rules, Alexander argued, it would make a big difference in the amount of fertilizer reaching the bays.

Commissioner Paul Mercier said he is concerned about the expectation from any regulations. "There should be a total education process for the entire community," he said. "This is more than about red tide. It's a quality of life issue." Commissioner Shannon Staub said the county should concentrate on what will deliver the most thorough and quickest results. Staub said she views lawn maintenance companies as the most logical place to start. "They won't change without

some push," Staub said. "It would have a real impact." The board also emphasized that the education aspect of the plan needs to focus on homeowners groups, especially the larger ones.

Merriam said he wants to work with neighboring counties to make this effort more effective. "We share the bays with Manatee and Charlotte counties. Working together, we could make a greater impact," Merriam said.

Commissioner Jon Thaxton received board support to have staff focus on regulating the use of quick-release fertilizers during the rainy season and the use of any fertilizers near waterways. The board asked for regular updates on the progress of establishing a formal ordinance and guidelines.

You can e-mail Bob Reddy

RESOLUTION NO. 2006-126

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, DEMONSTRATING A SIGNIFICANT COMMITMENT ON THE PART OF SARASOTA COUNTY GOVERNMENT (HEREIN REFERRED TO AS THE "COUNTY"), TO ESTABLISH AND IMPLEMENT POLICIES, TO REDUCE POLLUTANTS IN COUNTY WATERWAYS RESULTING FROM IMPROPER FERTILIZATION PRACTICES AND THEREBY IMPROVE THE QUALITY OF COUNTY WATERWAYS

WHEREAS, Policy 4.7.6. of Chapter 2 of the Sarasota County Comprehensive Plan, provides that "the County shall use Environmental Landscape Management (ELM) practices in all of its operations to set an example and encourage citizens to use these sustainable practices to reduce water use, pollution and reduce run-off;" and

WHEREAS, the quality of our bays, estuaries, streams, lakes, and the Gulf of Mexico is critical to environmental, economic, and recreational prosperity; and

WHEREAS, leaching and runoff of nutrients from improper urban and agricultural fertilization practices can contribute to nitrogen and phosphorous pollution of our water resources; and

WHEREAS, statewide fertilization Best Management Practices have been developed to reduce and eliminate pollution if correctly followed; and

WHEREAS, Sarasota County has a responsibility to its citizens to exert leadership in practicing and promoting the proper use of fertilizer including the timing, type, amount, and application techniques.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA in public meeting assembled:

1. The County shall set the example for other public and private entities by auditing its operations and following procedures to ensure that its fertilization practices minimize nutrient pollution. This includes using fertilizers with maximum slow-release characteristics. Further, fertilizer applications shall be the minimum to satisfy plant needs and public safety considerations and shall not be applied during the rainy season when runoff and leaching are more likely to occur.

2. The County shall approve and direct the use of all fertilizers that its contractors apply on County lands.
3. The County shall track the use, types, and amounts of fertilizers used on County owned property.
4. The County shall facilitate a community conversation with public and private entities to include government agencies, fertilizer manufacturers and retailers, landscape maintenance professionals, environmental organizations, homeowner groups, and other stakeholders to develop a comprehensive community-based plan of action to reduce pollution from improper fertilization to improve water quality.
5. Effective Date. This Resolution shall become effective immediately upon adoption by the Board of County Commissioners.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this ____ day of _____, 2006.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

BY: _____
Chairman

ATTEST:
KAREN E. RUSHING, Clerk of the
Circuit Court and Ex-Officio Clerk of the
Board of County Commissioners of
Sarasota County, Florida

BY: _____
Deputy Clerk

R2006-126