

TO: Seminole County Board of County Commissioners

FROM: Mac Carraway
Environmental Research & Education Foundation

DATE: March 21, 2017

SUBJECT: Summer Fertilizer Blackout

Dear Commissioners:

As you know, we attended and spoke at your February 28, 2017 hearing on the Seminole County fertilizer ordinance. To reiterate, we supported the ordinance, except for the summer fertilizer blackout.

Seminole County made that summer blackout the centerpiece of the ordinance, which was and remains impossible to understand. Specifically:

- ❑ No evidence has ever been presented by your staff supporting the effectiveness of the bans. This is not a surprise to us because no credible support for them exists.
- ❑ It was publicly acknowledged by you and your staff in the hearing that the summer blackouts are either not supported or are expressly disavowed by FDEP, FDACS (including an in-person confirmation to Commissioner Carey from Commissioner Adam Putnam himself immediately prior to the hearing), or UF/IFAS. We can think of no other situation in which policy making overtly ignored such overwhelming opposition from the very organizations that are typically relied on for guidance in such matters. Can you imagine the firestorm that would occur if our industry took such an approach? Would the media give our industry a complete pass on such an approach?
- ❑ No structured before-and-after testing, ongoing sampling or other measurables accompany the summer blackout to support its effectiveness, now or in the future. It is a classic black box.

The exclusive justification for using the summer blackout is the false notion that summer rains + fertilization = pollution. The FDEP study we referred you to clearly disproves that. The complete lack of any measurable benefit from other implementations of the summer blackouts in Florida (e.g. Tampa Bay, IRL area) clearly demonstrate that. The opinion of independent experts specifically states that the summer blackout is unsupportable without perhaps a decade of highly structured before-and-after testing and data gathering suitable for peer review.

The only statistically reliable data available is the FDEP study we referred you to. Notwithstanding that fact, in your staff's limited acknowledgement of that FDEP study, they unfortunately omitted that the study's conclusions were the same regardless of soil saturation, implying that the study only looked at "normal" irrigation rates. Further, your staff sought to negate the study by saying that even if it were true that only very small

amounts of fertilizer leached in the summer (note that the study clearly and statistically determined that was true), it would still result in significant pollution when taken on a cumulative county-wide basis. This is a highly flawed and fatally simplistic assumption which completely ignores the obvious fact that any leaching would first have to flow through the myriad stormwater treatment regimens required by the County and already in place (e.g. stormwater treatment and reclaimed water systems, stormwater retention, stormwater detention, stormwater vaults, littoral zones, vegetated greenways and swales, bioswales, etc.). The nutrient-reduction design standard for those systems is 80% (95% for Outstanding Florida Waters). Even if actual performance is known to fall below your design standards, staff's assertion is unfounded. With the public hearing closed, there was no opportunity for us to rebut these serious errors.

We also strongly object to the arbitrary and discriminatory exclusion of an exemption for licensed lawn-care professionals, consistent with the BMP-driven exemptions which were provided for golf, sports turf, farms and education. As described in the expert agronomic testimony provided to you in the hearing, those lawn-care professionals employ highly protective practices which minimize the application of fertilizer and which integrate the discipline needed to manage landscapes not only in the summer but throughout the year. This clearly should make them equally eligible for exemption, like the lawn-care exemptions offered by Orange County and Citrus County.

We certainly applaud aspects and elements of the ordinance as follows:

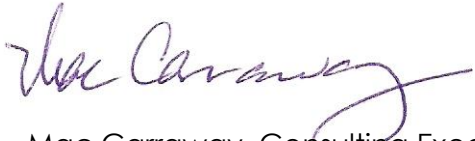
- ❑ It symbolizes the intense and proper concern that you and your citizens have regarding protecting and improving the water quality in natural systems in Seminole County.
- ❑ It hopefully signals that this is a starting point for attacking the far more significant constituents of nutrient loading that are not specifically addressed by the ordinance.
- ❑ It recommends reasonable actions for wetland/water-body setbacks and other prudent practices consistent with those already employed by the exempted and unexempted professionals.
- ❑ It establishes a commitment to education to encourage responsible nutrient management which should be the real centerpiece, and which we hope is fully executed. We encourage you to seek our assistance in that process in any reasonable way possible.

Our Urgent Request

You acknowledged several times in the hearing your ability to amend the ordinance as needed for relevant information. We believe you now have it. At a minimum, please amend the ordinance to provide an exemption for licensed lawn care professionals. This is a matter of fundamental fairness and a recognition that the innocent should not be punished in this process. Beyond that, please eliminate the summer blackout and make education the proper centerpiece of these efforts.

Sincerely,

ENVIRONMENTAL RESEARCH & EDUCATION FOUNDATION

A handwritten signature in purple ink, reading "Mac Carraway". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mac Carraway, Consulting Executive Director