



Everglades Coalition

1000 Friends of Florida
Angler Action Foundation
Audubon Florida
Audubon of Southwest Florida
Audubon of the Western Everglades
Audubon Society of the Everglades
Backcountry Fly Fishers of Naples
Calusa Waterkeeper
Cape Coral Friends of Wildlife
Center for Biological Diversity
Conservancy of Southwest Florida
Defenders of Wildlife
"Ding" Darling Wildlife Society
Earthjustice
Environment Florida
Everglades Foundation
Everglades Law Center
Everglades Trust
Florida Bay Forever
Florida Conservation Voters Education Fund
Florida Defenders of the Environment
Florida Keys Environmental Fund
Florida Native Plant Society
Florida Oceanographic Society
Friends of the Arthur R. Marshall
Loxahatchee National Wildlife Refuge
Friends of the Everglades
Hendry-Glades Audubon Society
International Dark-Sky Association,
FL Chapter
Izaak Walton League of America
Izaak Walton League Florida Division
Izaak Walton League Florida Keys Chapter
Izaak Walton League Mangrove Chapter
Lake Worth Waterkeeper
Last Stand
League of Women Voters of Florida
Martin County Conservation Alliance
Miami Pine Rocklands Coalition
Miami Waterkeeper
National Audubon Society
National Parks Conservation Association
National Wildlife Refuge Association
Natural Resources Defense Council
North Carolina Outward Bound School
Ocean Research & Conservation Association
Peace River Audubon Society
Reef Relief
Sanibel-Captiva Conservation Foundation
Sierra Club
Sierra Club Florida Chapter
Sierra Club Broward Group
Sierra Club Calusa Group
Sierra Club Central Florida Group
Sierra Club Loxahatchee Group
Sierra Club Miami Group
South Florida Audubon Society
Southern Alliance for Clean Energy
The Florida Wildlife Federation
The Institute for Regional Conservation
The National Wildlife Federation
Theodore Roosevelt Conservation
Partnership
Tropical Audubon Society

May 8, 2020

Maurice Barker, Biosolids Coordinator Wastewater Management Program
2600 Blair Stone Road, MS 3545
Tallahassee, Florida 32399-2400

Sent Via Email: Maurice.Barker@floridadep.gov, ERC@dep.state.fl.us

RE: Notice of Development of Rulemaking for Chapter 62-640, F.A.C.

Dear Mr. Barker and the Environmental Regulation Commission:

On behalf of the Everglades Coalition, a 61 member coalition focused on restoration, preservation and protection of the Greater Everglades, we write to ask that you offer an opportunity for a public hearing on the recently published Notice of Development of Rulemaking for Chapter 62-640, F.A.C. Nutrient loading has a major impact on the Everglades ecosystem, and we are very concerned with the land application of biosolids and lack of regulations specific to Class AA. In our previous letter, we pointed out these facts during your scoping process, yet no changes to the rulemaking or to SB 712 were made to address our concerns. A hearing was scheduled on this matter and cancelled five consecutive times, and at least three of the dates occurred before any interruption to normal government operations. We respectfully request that you provide the opportunity to discuss this very important issue.

ERC has repeatedly committed to hearing public comment, but they have yet to offer any means for doing so under our current conditions. Despite the proliferation of meetings held electronically across all levels of government, no electronic meeting has been scheduled, and the ERC has neither made the preliminary text of the proposed rule development available to the public nor given the public the opportunity to comment. While no opportunity for discussion on any platform has been provided, the ERC's priority in proceeding with these matters should be the rescheduling of the originally scheduled in-person meeting when normal operations resume.

There is simply no reason to proceed without a hearing, and Floridians have the right to be included in this process. As the ERC purports to make these decisions behind closed doors because of a public health crisis, they are crafting policy on biosolids that will, too, have a direct impact on public health, and they are doing so without the awareness or participation of the public. This is a dangerous precedent, and one the ERC ought not to set in the first place.

Committed to full protection and restoration of America's Everglades

Domestic wastewater treatment plants in Florida produce 700 million pounds of biosolids every year, and the use of biosolids on land reintroduces 4 million pounds of nitrogen and 1.5 million pounds of phosphorus back into our environment annually. We are all familiar with one of the most prominent impacts of nutrient loading on public health, the algal blooms that haunt our waters. The ERC needs to be held accountable for the rules they make, because they will affect all Floridians. Public health issues should bring new awareness to how our environment affects us, not obscure it. The ERC cannot be absolved of its responsibility to serve the people of Florida.

The notice indicates that the ERC will heed by Section 16 of SB 712 (the Clean Waterways Act) and take its provisions into consideration, but the SB 712 language on biosolids only accounts for class A and B, not AA. Class AA biosolids must be addressed, as according to FDEP reporting, it makes up more than half of processed biosolids. We have asked for the stronger regulations that are needed to avoid future harmful algal blooms, but without a public hearing, we cannot continue to make these points to improve the rulemaking process.

Just because we are all sheltering in place in order to avoid falling ill, does not mean ERC should not hold a much-needed public hearing to resolve this inadequate rulemaking process.

We urge you once again to reschedule the hearing we have all spent many months anticipating, and to make all of the current proposed changes available with plenty of time for our coalition and the public to review them.

Sincerely,



Mark Perry
Co-Chair



Marisa Carrozzo
Co-Chair

CC:

Joy Cottrell, DEP Liaison to ERC, ERC@dep.state.fl.us

Noah Valenstein, DEP Secretary, noah.valenstein@dep.state.fl

Ron DeSantis, Governor, governorron.desantis@eog.myflorida.com

Shane Strum, Chief of Staff, shane.strum@eog.myflorida.com

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