

JULY 19, 1994

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, July 19, 1994, at 6:03 p.m.

Present were Commissioners:

Stan Stephens, Chairman
Joe McClash, First Vice-Chairman
Kent G. Chetlain, Second Vice-Chairman
John R. Gause, Third Vice-Chairman
Patricia M. Glass
Lari Ann Harris
Maxine M. Hooper

Also present were:

Mark P. Barnebey, Assistant County Attorney
Susan G. Romine, Deputy Clerk,
representing R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

The meeting was called to order by Chairman Stephens.

LAND DEVELOPMENT CODE TEXT AMENDMENTS

Public hearing (Notice in The Bradenton Herald 7/11/94) was held to consider

ORDINANCE 94-37 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY FLORIDA AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED):

1. PROVIDING FOR THE PROHIBITION OF THE IMPORTATION OF DOMESTIC WASTEWATER RESIDUALS AND DOMESTIC SEPTAGE FROM OUT OF COUNTY FOR LANDSPREADING ACTIVITIES AND CREATING ADDITIONAL REQUIREMENTS FOR THE REGULATION OF PERMITTED LAND SPREADING ACTIVITIES;
 2. ADDING, AMENDING AND DELETING CERTAIN DEFINITIONS;
 3. AMEND THE USE CHART, FIGURE 6-1;
 4. AMEND CERTAIN WATERSHED OVERLAY DISTRICT STANDARDS;
 5. AMEND AND ADD TO THE SPECIAL APPROVAL CHART;
 6. AMEND CERTAIN CONDITIONAL USE STANDARDS INCLUDING, BUT NOT LIMITED TO, LANDSPREADING AND MINIWAREHOUSES; AND
 7. AMEND CERTAIN PRIVATE STREET REQUIREMENTS.
- PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
Planning Commission recommended APPROVAL.

Carol Clarke, Planning, Permitting and Inspections Director, reported the proposed amendments deal with landspreading and private streets.

Landspreading

Ms. Clarke gave a background of the process of landspreading and noted it is the application of domestic wastewater residuals onto agricultural property in lieu of fertilizers. Landspreading is regulated by the Department of Environmental Protection (DEP), dealing with the environmental aspects, such as establishing the agronomic rate for application of materials to the properties.

She reported the amendment is focused on the operational and land use issues. Landspreading is limited to the A, EX and PDPI zoning districts. It is structured to require an Administrative Permit with criteria established for meeting setbacks, hours of operation, etc.

Ms. Clarke reviewed issues for consideration: hours of operation, roadway impacts, permit length, status of existing permits, land use category and adverse impact.

A video produced by the American Water Federation was shown on biosolids recycling. Additionally, a video furnished by Joe Citro, a resident of Duette, was shown, which focused on sites in Duette.

Misty Martin, Planning, Permitting and Inspections, referred to photographs indicating areas in Duette used for landspreading, as well as other photos.

Ed McAdam, Public Works, submitted samples of dry, liquid and cake sludge. He explained the process which takes place at the wastewater treatment plant.

Discussion: Material is coming from municipal sewage plants, private plants, septic tanks, or restaurant grease traps; ph balance; etc.

Mike Nelson, representing Mike's Septic Tank, Inc., addressed septic tanks and grease interceptors from food management services.

Joe Citro, resident of Duette, stated there are problems in Duette because regulations are not being enforced. He addressed concerns about haulers dumping sludge on sites near cattle, and about new property owners not being aware of the problems involved with the landspreading.

Discussion: Absentee owners; warning for residents.

John O'Connor, Manatee River Soil and Water Conservation District, stated he is opposed to the landspreading operation under the Ordinance as it is being presented.

Discussion: Soil and Water Conservation District does not have regulatory powers; Environmental Action Commission (EAC) role; etc.

Linda O'Connor suggested that farmers who receive landspreading material should have a soil and water conservation district plan. She addressed concerns about the hours of operation and safety concerns for children.

Gloria Rains, representing Manasota 88, stated she is opposed to the Ordinance based on concerns such as setbacks from wetlands, and permitting dumping during evening hours. She is not opposed to landspreading, however, is concerned there are no provisions to limit importation of sludge from other counties.

Catherine Fernald, representing Manatee Save Our Bays, addressed concern that runoff from the sludge will affect the rivers and streams by the placement of heavy metals. She is opposed to the Ordinance as written.

Dwayne Rawls, Parrish landowner, reported that he has been using biosolids on his property for approximately 8-10 years, and he is opposed to the Ordinance as written.

Harris Bowers, J&J Baker Enterprises, Inc., referred to an informational package, which he had submitted at the Planning Commission (6/12/94). He advised that there has not been any documented case of illness or disease as a result of landspreading. He reported that biosolids from Pinellas County, which have lower amounts of trace elements, are being imported into Manatee County. He addressed the issue of fuel taxes and referred to photographs of trucks. He opposed restricting trucking operations based on the material being hauled.

Jack Myers, Blue Septic Tank Service, Inc., President, submitted a letter and a copy of Florida Statute, Chapter 823.14, outlining the Florida Right to Farm Act. He referred to Section (3)(b), the definition of farm operation.

Mr. Myers stated if hours of operation and routes are to be regulated for hauling biosolids, then trucks hauling other products (citrus, etc.) should be regulated as well. He also addressed setback issues.

Wade Cooper, a Parrish resident in the cattle industry, addressed concern about health hazards when landspreading near cattle.

Barbara Myers, representing Blue Septic Tank Service, Inc., addressed concerns relating to tracking heavy metals. She reviewed the details of tracking the materials being spread and the computer program used.

JULY 19, 1994

(Cont'd)

Gordon Troch, Duette resident, addressed concern that wastes are being delivered from other counties.

James Baker, Jr., representing J&J Baker Enterprises, advised that trucks are not allowed to spread in the rain and DEP inspects properties to make certain no runoff is evident prior to landspreading. He stated that the sludge cannot be applied at night; however, the cake sludge can be dumped to prepare for spreading the next day.

David Spicer, Duette resident, stated his concern is runoff into the water supply. He advised that his cattle and horses have developed infections, possibly from bacteria found in a pond on his property, and he is concerned he is losing an entire breeding season.

Discussion: Problem in Duette area; adequate rules for landspreading; setbacks; concerned about the prohibition of sludge importation; how long has dumping sludge taken place in Duette; potable water supply; agronomic plan; bring back language to include some type of signage at the site where dumping is occurring; trucks exceeding bridge weight limits; property rights; etc.

Mark Barnebey, Assistant County Attorney, reviewed a 1992 Supreme Court case, which addressed the issue of prohibition of sludge importation.

(Mr. Gause absent for portion of discussion)

Discussion: Setback changes; role of the State; ways to resolve problems in Duette and not affect other property owners or haulers; drainage and access problems; what can EAC do to bring the issue to DEP's attention to get a better response to complaints; etc.

Karen Collins, EAC Director, discussed involvement and responsibilities of the EAC. She explained EAC's process for handling complaints. An inspection and follow up is completed within 24 hours.

(Mrs. Harris absent for portion of discussion)

Discussion: Weight limitations for bridges; rules for periodic testing to determine concentrations of heavy metals or pathogens that pose health problems to animals.

Ms. Clarke submitted a definition for Publicly Owned Treatment Works.

Private Street Extension

Ms. Clarke explained that this amendment requires that an individual obtain a title opinion regarding the underlying easement for private street approvals. This shifts the burden of title review from the County Attorney to the applicant.

Discussion: An Ordinance is not necessary for landspreading; opposed to setback requirements; DEP enforcing regulations; staff to contact Legislative Delegation; develop a requirement that when permits are issued, counties receive notification when the sludge is delivered.

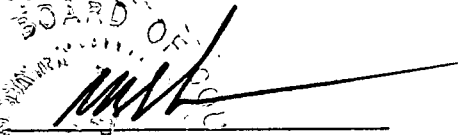
Direction was given to staff to review all issues discussed and report back with recommendations for the second public hearing scheduled for August 2, 1994, at 6:00 p.m.

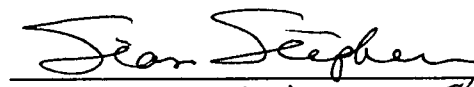
MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


Clerk
Adj. 8:35 p.m.
Adm.


Chairman 8/25/94