

**ESF Sub-Committee Meeting
Pinellas County Fertilizer Ordinance
8-17-09**

Attendees:

Voting Members: Cathy Harrelson, Howard Rutherford, Lindsay Cross

Pinellas County staff representative: Kelli Levy

Public attendees: Phil Compton, Robin Baldwin, Loren Westenberger

Welcome & Introductions

1) Committee recognized changes made to draft dated 7/20/09 per initial review and requests by the ESF:

1. Page 1: “Whereas”, paragraph 5, reclaimed water added
2. Page 4, Definitions: Addition of definition of Specialized Turf
3. Pages 6-7, Section 10 a. 1) through 5): Paragraphs have been reorganized, including reformatting of 4) Vegetable Gardens...
4. Page 8, Section 13: The following language has been added – of section 1.8 of the Pinellas County Environmental Enforcement Act

Sub-Committee additions, changes, new language:

1. Page 3, **Definitions, Fertilizer:**
Change definition to: Fertilizer means any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.
2. Page 6, Section 8, **Fertilizer-Free Zones:**
Change to: Fertilizer shall not be applied in or within ten (10) feet from the top of the bank of any surface water, landward edge of the top of the seawall, designated wetland or wetland as defined by the Florida DEP, chapter 62-340.
3. Page 7, Section 10, **Exemptions** (continued):
Add: 6) Tree trunk injection fertilization/treatment that are performed by a certified arborist.

Remove: b) paragraph in its entirety, Nitrogen or phosphorous fertilizer may be applied..... (see discussion below)
4. Page 7-8, Section 11 a), **Certification and Training:**

Add: the word the after “by” and before “County” in the sentence beginning with “A list of approved training programs...”.

5. Page 9, Section 14, **Recommendations and Additional Information:**

a) **Add:** In the first sentence, the word strongly after “is” and before “recommended”.

Add as sentence 3 in this paragraph: A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter run-off.

Discussion, Page 7, Section 10. Exemptions:

Recommend removal of item b) N or P tissue test deficiency exemption

- Kelli Hammer-Levy: from presentation @ Hillsborough EPC, IFAS made a presentation regarding possible “unintended consequences” of a total N ban during the rainy season, and that this could create a problem for the county cooperative extension, which operates under IFAS. This Exemption represents an “Olive branch” for IFAS.
- Phil Compton: Since the rainy season N ban in Sarasota County, only one person in Sarasota County, Barry Troutman, (spokesman for the landscaping industry) brought tissue in for testing. His lawn apparently had a fungus from over-watering, not a Nitrogen deficiency.
- Kelli Hammer-Levy: This exemption only allows a one-time application. Anything further requires a soil & tissue test each time. IFAS will conduct the test. People bring soils in for testing, 99% of time it is not a Nitrogen deficiency. Often iron, magnesium, manganese deficient. This is especially true in Pinellas.
- Cathy Harrelson: This Exemption muddies the educational message, the message which will provide much of the enforcement. And, where would the person even purchase N fertilizer if their soil/tissue test showed a need for nitrogen?
- Phil Compton: IFAS is issuing opinion research only, and it is based on turf grass not water quality. IFAS is still denying that fertilizer runs off into waterways.
- Cathy Harrelson: The water is the commonwealth owed by all citizens and improving that water quality is the reason for this ordinance.
- Phil Compton: At the most recent TBEP TAC (Tampa Bay Estuary Program Technical Advisory Committee) meeting, the scientists in the room conducted a firm discussion of relationship between fertilizer runoff and algae blooms, including the some of the toxic accumulation and effects in fish.

- Loren Westenberger: IFAS often sites that turfgrass must be maintained to prevent erosion. If this is an issue and our goal is to protect water quality, simply choose another plant that doesn't require so much Nitrogen.
- Kelli Hammer-Levy: This Exemption is there if there is a bona fide problem. Leaving it in allows for a solution. And, it may make the ordinance easier to pass by reducing opposition. However, if taken out, they certainly would have the option to come to the County and ask to have it put back in.
- Phil Compton: We have heard concerns that if Pinellas County allows this, the entire TB area would leave this in, thus affecting the entire watershed, and counties which have chosen to have a total rainy season N ban, including Sarasota County. Taking it out keeps it consistent with other lower Gulf Coast counties and with the city of St. Petersburg, all of whom have passed an ordinance with a full rainy season ban, no exemptions.
- Kelli Hammer-Levy: Even IFAS, in the Best Practices document (which IFAS has now removed its website), they indicated use of a slow release product in May, Iron in August (rainy season peak), then use a complete product in October.

General Discussion:

- Lindsay Cross: What about Enforcement?
- Kelli Hammer-Levy: primarily through the retail ban, BMP certification and TBEP/County educational campaign, individual application; County will enforce in unincorporated areas via Section 1-8, PCEEA. Gulfport will adjust their ordinance to match the county;
- Cathy Harrelson: We could approach St Pete to do the same.
- Lindsay Cross: If a particular community opts out they can do whatever they want?
- Kelli Hammer-Levy: Yes.

Sub-Committee Vote:

Howard Rutherford moves; Cathy Harrelson 2nds, to: Remove item b), Section 10. Exemptions, paragraph in its entirety; Motion carries unanimously

Lindsay Cross moves, Howard Rutherford 2nds: to make this ordinance county-wide with opt-out: Motion carried unanimously.

Adjourn 11AM