



April 14, 2008

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Re: **Opposition to SB 2352**
Protection of Urban and Residential Environments and Water Act

Honorable Senators:

We have reviewed the latest amendments to the Senate version of SB 2352. While there has been an attempt to soften the heavy handed preemption language, the bill still contains unacceptable criteria that fundamentally amount to preemption. Therefore, despite the latest changes, this is a bill that we cannot support. Specifically, I would draw your attention to:

Section 3 (3): The model ordinance which is central to this bill, is fundamentally flawed.

- ❖ The Prohibited application period is meaningless and subject to great debate (which is already taking place in Lee County). The highest rainfall in the 16 County SFWMD over the past 36 years has come in June followed by July-Sept which should be a blackout period for fertilizer application to prevent leaching of fertilizer into wetlands and waterbodies.

- ❖ The phosphorus application rates do not take into account the soil saturation that already exists throughout many of our watersheds. This saturation, known as legacy phosphorus, will leech phosphorus from the soil for at least the next 20 years with no additional phosphorus applied. Florida is a phosphorus rich state. Blindly authorizing additional applications of phosphorus without any assessment of the existing soil conditions will only contribute to greater soil saturation resulting in expanded legacy phosphorus loadings. (Even the fertilizer industry representatives agree with us on this)

- ❖ Dr. Terril Nell, whose University of Florida research on fertilizer and turf grass was presented to the Task Force, indicated that fertilizing new turf was useless as most of it runs off. The model ordinance provides for fertilization of new turf. Even more loading to our impaired waters.
- ❖ A 3 ft fertilizer free zone from the edge of a waterbody or wetland is not protective of water quality on the slopes and soils that we have in the developed landscape in Florida. The State regulatory agencies require a 25 ft buffer zone in the ERP regulatory rules for the very purpose of protecting waterbodies and wetlands.
- ❖ The research on runoff was done with 10% slopes which does not replicate or come close to real world conditions where fertilizer is applied. Our regulatory agencies permit much steeper slopes of 40% to 60%. These steeper slopes allow more water to run off faster than what was simulated in the studies. Resulting in further loading and impairments to our waterbodies.

Section 3(4) & (5): Requires local municipalities spend time and expense jumping through hoops to prove that their waters are degraded in order to “qualify” for a stricter ordinance.

- ❖ Who must this information be presented to and who decides if they qualify.
- ❖ There are very few basin management action plans that exist in the state so that is not even an effective “qualification”.
- ❖ Proving water quality degradation through testing takes a great deal of expense and time and ties the hands of the local municipalities responsible who are on the hook financially for water quality improvement.

Section 3(6): Requires communities consult with DEP, DACS and IFAS on stricter language. Another hurdle that only serves to obstruct and delay. If the discussion during the hearing is correct even if any of these agencies objected to the proposed language of a local municipality they cannot force them to change it. So WHO DOES THIS REALLY SERVE?

Finally, **Section 3(7):** This language raises a concern about how the Jan 15 date relates to the Dec 31, 2008 date in S3(3). It also could be construed to mean that a community with an existing, exempt ordinance, such as Sanibel, would have to go back through steps 3 through 5 to qualify for stricter language.

On behalf of the members of the Sanibel Captiva Conservation Foundation, we ask that you **stop this bill in the Environmental Preservation and Conservation committee** to protect Florida’s local jurisdictions, economy and most important natural resource.

Sincerely,



Rae Ann Wessel
Natural Resource Policy Director