

# Memorandum of Agreement

3975

Between the  
Florida Department of Agriculture and Consumer Services  
and the  
Florida Department of Environmental Protection  
and the  
Florida Fertilizer and Agrichemical Association, Incorporated  
for  
Voluntary Implementation of Best Management Practices  
as an  
Alternative to Permitting  
for  
Blended Fertilizer Plants in Florida

## A. Purpose of Agreement

The purpose of this Memorandum of Agreement is to establish agreement, duties, policies, and procedures to prevent surface and ground water contamination at blended fertilizer plants through voluntary use of Best Management Practices (BMPs).

All agency records, reports, and monitoring data, other than proprietary information exempted under s. 403.074 Florida Statutes (F.S.) or s. 403.111 F.S., constitute public record and are subject to the provisions of Chapter 119 F.S.

## B. Stipulations

WHEREAS, the Department of Agriculture and Consumer Services (DACS) maintains a network of fertilizer plant inspectors throughout the state and actively desires to promote environmentally sound agricultural practices;

WHEREAS, the Department of Environmental Protection (DEP) actively encourages trade associations and regulated industry groups to join with the Department in promoting pollution prevention programs among their members to achieve voluntary compliance with environmental standards;

WHEREAS, the Florida Fertilizer and Agrichemical Association (FFAA) is an association of persons, firms, and corporations engaged in the production, distribution, or sale of agricultural chemicals, including blended fertilizers;

WHEREAS, the FFAA estimates that its members produce 80% of the blended fertilizer sold in

the State of Florida and FFAA is the only trade group actively representing blended fertilizer plant owners in the State of Florida;

WHEREAS, all parties agree that blended fertilizer plants are required to prevent discharges that violate surface or ground water standards;

WHEREAS, all parties agree that some existing and historical practices in the blended fertilizer industry have the potential to cause surface and ground water contamination;

WHEREAS, all parties acknowledge that, if blended fertilizer plants are constructed and operated in accordance with BMPs, the potential for environmental harm can be minimized or eliminated;

WHEREAS, DEP is in the initial stage of implementing Ecosystem Management in Florida, and that personal environmental stewardship by each individual and corporation in the state is a cornerstone of this effort, and that education of the regulated community in the methods of pollution prevention and responsible plant operation is essential to their ability to achieve such stewardship;

WHEREAS, all parties agree that the voluntary implementation of BMPs can produce environmental benefits equal or superior to those achieved through a traditional regulatory approach;

WHEREAS, the DEP, DACS, and the FFAA have reached consensus on a set of BMPs which can significantly reduce the potential for surface and ground water contamination.

WHEREAS, the DEP, DACS, and the FFAA agree that revision of the BMPs may be required as additional information becomes available;

WHEREAS, all parties agree that no person or facility under permit or enforcement action would be relieved of any responsibility under this agreement;

WHEREAS, all parties agree that this Agreement has no effect upon the ability of the DEP to conduct enforcement actions or require permits of any facility which is a potential source of pollution;

WHEREAS, all parties agree the existing DACS inspection program for fertilizer plants is the most efficient and cost-effective method to monitor BMP implementation;

WHEREAS, all parties agree that a transition period is needed to provide for the implementation of BMPs;

WHEREAS, this transition period provides an opportunity for plant operators to conduct plant studies, develop site specific management plans which identify needed and appropriate BMPs, and make arrangements to fully implement those management plans;

WHEREAS, all parties agree that this is a voluntary cooperative agreement, and that a party may terminate this agreement at any time upon 30 days written notification to the other parties

THEREFORE, DEP, DACS, and FFAA agree as follows:

All parties agree to work cooperatively to resolve technical issues and to ensure progress in achieving widespread implementation of BMPs;

FFAA will conduct an educational outreach program both to members and nonmembers. The program will include lectures and seminars around the state. It will include dissemination of educational materials to all plants, and to the DEP and the DACS for use in training state employees. The program may also include production of printed material and a training video.

DEP and DACS agree to assist FFAA by providing speakers to assist with the educational effort.

DEP and DACS will conduct joint training of DACS and DEP district inspectors in fertilizer plant operations, the BMP's, and the environmental results to be achieved.

DACS will regularly (at least semi-annually, during plant operations) survey facilities using a checklist to track progress made and to collect information on the degree to which the voluntary BMPs are being implemented. DACS will compile this data and transmit annual reports to DEP and FFAA.

Should a DACS inspector discover a discharge or other condition which presents an immediate threat to human health or the environment, the DACS inspector will immediately report the incident to the owner or plant manager and the DACS Tallahassee office of the Bureau of Compliance Monitoring. The Bureau of Compliance Monitoring will immediately notify the appropriate DEP district emergency response officer, and will assist the DEP as needed.

Should a DACS inspector determine that satisfactory progress toward implementation of BMP's is being impeded at a facility by technical difficulties, DACS shall notify DEP and the FFAA. DEP, DACS, and FFAA will consult and cooperate to resolve technical issues and to ensure progress in implementing the BMPs.

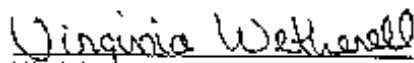
This Memorandum of Agreement shall remain in effect through June 30, 2000. At that time, DEP, DACS and the FFAA shall review the effectiveness of voluntary BMP implementation and evaluate the options for further BMP application.

WHEREFORE, the parties have affixed their signatures to this Memorandum of Agreement on this 30<sup>th</sup> day of September, 1997.

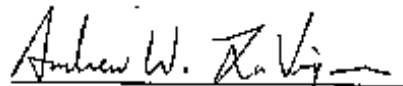
FOR DACS

  
Bob Crawford, Commissioner

FOR DEP

  
Virginia Wetherell, Secretary

FOR FFAA

  
Andrew LaVigne, Executive Director