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April 7, 2025

Via E-mail and US Mail

Mr. Drew Bartlett, Executive Director
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

Ms. Sirena Davila, Southeast District Director
Florida Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, FL 32399

Re: Environmental and Regulatory Considerations Regarding Proposed
Slaughterhouse Construction Near Lake Side Ranch STA

Dear Mr. Bartlett and Ms. Davila,

I am writing to bring to your attention the proposed construction of a grass-fed, kosher beef slaughterhouse in western Martin County, located just south of the Lake Side Ranch Stormwater Treatment Area (STA) between the L-45 and L-67 canals. The property owner received the attached letter from Florida Department of Agricultural and Consumer Services. Given the site's proximity to critical water resources, we are certain that your agencies would conduct comprehensive environmental review which considers the potential impacts on water quality, regulatory compliance, and ecosystem health.

This project may fall under Florida's Numeric Nutrient Criteria (NNC) Rule for Peninsular Florida (62-302.531(2), F.A.C.), which sets strict water quality limits to prevent nutrient overloading in sensitive water bodies.

- Chlorophyll-a (Chl-a) Criterion -- Based on floral evidentiary thresholds, including Rapid Periphyton Survey, algal community composition, and Linear Vegetation Surveys, as outlined in the NNC Implementation Document.

- Total Nitrogen (TN) Criterion – Limited to 1.54 mg/L, subject to annual geometric mean provisions in 62-302.531(2)(c), F.A.C.
- Total Phosphorus (TP) Criterion – Limited to 0.12 mg/L, also subject to annual geometric mean provisions in 62-302.531(2)(c), F.A.C.

Additionally, Section 403.067(7)(b)2.g., Florida Statutes, provides nonpoint source dischargers in a Basin Management Action Plan (BMAP) must demonstrate compliance with pollution reduction goals through best management practices (BMPs) or water quality monitoring. Section 373.4595, Florida Statutes (Northern Everglades and Estuaries Protection Program), specifically emphasizes the need to reduce phosphorus loads within the Lake Okeechobee watershed to prevent further ecological degradation.

The EPA-established Total Maximum Daily Load (TMDL) for phosphorus in the Lake Okeechobee Basin is set at 140 metric tons (including atmospheric deposition) to protect aquatic ecosystems and prevent downstream water quality impairment. A change from a cattle operation to a slaughterhouse may alter the site’s National Pollutant Discharge Elimination System (NPDES) classification, requiring an industrial stormwater permit (EPA 40 CFR Part 432). The EPA’s 2024 proposed rule amendments include more stringent effluent limitations for nitrogen, phosphorus, and E. coli, directly impacting this facility’s regulatory requirements.

Given the slaughterhouse’s plans to process meat byproducts onsite, it may be classified as a “complex slaughterhouse” under EPA guidelines, requiring compliance with:

- Best Practicable Control Technology (BPT)
- Best Available Technology (BAT)

This means stricter wastewater treatment, nutrient discharge limits, and industrial pollution controls must be in place before operations begin.

According to the EPA and Environmental Integrity Project, the Meat and Poultry Products (MPP) industry is among the largest sources of industrial nutrient pollution in the U.S. Risks from this slaughterhouse include:

- Water Contamination: Meat-processing wastewater contains blood, feces, oil, grease, ammonia, and antibiotic residues, which contribute to eutrophication and harmful algal blooms (HABs), including toxic cyanobacteria. Cyanotoxins cannot be removed via standard wastewater treatment.
- Public Health Concerns: Slaughterhouse effluents can introduce E. coli, antibiotic-resistant bacteria, and heavy metals into drinking water supplies, linked to autoimmune disorders, bacterial infections, miscarriages, and neurological diseases.
- Solid Waste & Air Pollution: Byproduct processing generates contaminant-laden sludges and airborne pollutants, impacting wildlife and local communities. Slaughterhouse waste is known to contain prion pathogens, which can cause Creutzfeldt-Jakob Disease (CJD)

and Chronic Wasting Disease (CWD) in humans and wildlife, as monitored by the Florida Fish and Wildlife Conservation Commission (FWC).

To mitigate risks, we strongly recommend the following:

- Application of Best Available Technology (BAT) wastewater treatment before any discharges leave the site.
- Implementation of multiple BMPs from the Florida Cattle Operations Water Quality and Water Quantity Best Management Practices Manual (especially waste stream management).
- Strict enforcement of EPA and Florida TMDL limits to prevent nutrient overloading in the Lake Okeechobee watershed.
- Alternative disposal methods to reduce the environmental impact of slaughterhouse byproducts, avoiding land application due to pathogen risks.
- Public and stakeholder engagement before permitting decisions are finalized, ensuring transparency and environmental accountability.

The construction and operation of this slaughterhouse may pose significant water quality, ecological, and public health risks. Given its location within the Lake Okeechobee Basin, regulatory oversight and enforcement of state and federal environmental laws are necessary to ensure compliance with Numeric Nutrient Criteria, BMAP/TMDL goals, and industrial stormwater permitting requirements.

We ask that FDEP and SFWMD conduct a thorough environmental impact review and require stringent nutrient reduction strategies before this facility is permitted to operate. Thank you for your time and attention to this matter. We look forward to your response and stand ready to collaborate on solutions that prioritize water quality, public health, and ecological integrity.

Sincerely,



Don G. Donaldson, PE, CFM
County Administrator

cc: Martin County Board of County Commissioners



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES COMMISSIONER WILTON SIMPSON

January 6, 2025

VIA EMAIL (spencer.crowley@akerman.com)

Spencer Crowley
Akerman LLP
98 Southeast Seventh Street, Suite 1100
Miami, FL 33131

Re: Exemptions of Agricultural Activities from Local Government Regulation

Dear Mr. Crowley:

Thank you for contacting the Florida Department of Agriculture and Consumer Services. You have inquired whether a facility used for on-site cattle processing at Chancey Bay Ranch would be entitled to exemption from local government regulation.

As I understand it, your client (the property owner) is the owner of an approximately 2,000-acre property (the property) in western Martin County, known as Chancey Bay Ranch, which is zoned as A-2 (Rural Agriculture) and has a future land use of Agricultural. A significant portion of the property is currently being used as a grass fed and grass finishing cattle operation. Your client now seeks to implement on-site cattle processing on a portion of the property with the intent to produce grass fed, kosher beef. If this project is implemented, your client would process a mix of cattle raised entirely on the property together with cattle brought onto the property from other cattle producers at other points of their life cycle. All cattle processed at the property would be owned by the property owner or its affiliates, would graze at the property before processing and would be packaged and sold under a proprietary brand owned by the property owner.

Florida law exempts certain agricultural activities and operations from local government regulation. To determine what is exempt, the Legislature has defined several terms critical to this analysis. "Agriculture" is defined by Section 570.02, Florida Statutes, as "the science and art of production of plants and animals useful to humans ... and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production."

The Florida Right to Farm Act (Section 823.14, Florida Statutes) also provides several definitions relating to agriculture and farms. It defines a "Farm product" as any plant or animal useful to humans including "any product derived therefrom" and defines a "Farm" to include the

“land, buildings, support facilities, machinery, and other appurtenances” used in the production of farm products. A “farm operation” is defined in Section 823.14, Florida Statutes, to mean all conditions or activities by the owner, lessee, agent, independent contractor, or supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products or in connection with complementary agritourism activities. These conditions and activities include, but are not limited to, “the marketing of farm products at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, fumes, and particle emissions; ground or aerial seeding and spraying; the placement and operation of an apiary; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; agritourism activities; and the employment and use of labor. While the slaughter of animals is not specifically addressed in the definition of a farm operations, the Right to Farm Act specifically excludes “unsanitary places where animals are slaughtered, which may give rise to diseases which are harmful to human or animal life” from the types of farm operations protected by the safe harbor provisions of the act. See Section 823.14(4)(a)3., Florida Statutes. Implicit in this exclusion is the presumption that sanitary places where animals are slaughtered, are bona fide farm operation entitled to the protections of Florida law.

The pertinent exemption from local government regulation for your question is found in Section 604.50(1), Florida Statutes, which provides: “[A]ny nonresidential farm building, farm fence, or farm sign that is located on lands used for bona fide agricultural purposes is exempt from the Florida Building Code and any county or municipal code or fee, except for code provisions implementing local, state, or federal floodplain management regulations.” (emphasis provided). Further, Section 604.50(2)(d), Florida Statutes, defines a “nonresidential farm building” as:

[A]ny temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under s. 553.73(10)(c) or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461, and is not intended to be used as a residential dwelling. The term may include, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.” (emphasis provided).

In sum, the exemption in Section 604.50, Florida Statutes, exempts nonresidential buildings or support structures that are 1) primarily used for agricultural purposes and 2) located on land that is A) integral to a farming operation or B) on land classified as agricultural for ad valorem purposes.

Section 604.50, Florida Statutes, and the relevant case law are silent on the issue of what constitutes “primarily” or is an “integral” part of the farm operation or the term. Generally, if the language of the statute is clear, Florida “courts will not look behind the statute’s plain language for legislative intent... the statutes plain and ordinary meaning must control, unless this leads to an unreasonable result...” (Fla. Att’y Gen. Op. 2013-01 (2013), quoting State v. Burris, 875 So. 2d 408 (Fla. 2004)). Further, if a review of legislative intent is deemed necessary, “the fact that the Legislature provided no definition... requires that the word be understood in its common and ordinary sense.” Id.

Chancey Bay Ranch operates on land that is classified as agricultural by the property appraiser. If so, the question turns to a fact-based determination as to whether the structure is used "primarily" for agricultural purpose using the common meaning of the term. If an operational farm uses a structure for the production of farm products, in this instance, the processing of cattle into beef, that structure is "primarily" used for agricultural purposes. The structure would therefore be exempt from local government regulation pursuant to Section 604.50, Florida Statutes.

I hope this information is helpful. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line at the bottom, positioned above the typed name.

Sean T. Garner
General Counsel
sean.garner@FDACS.gov