



Town of Southwest Ranches
13400 Griffin Road
Southwest Ranches, FL 33330-
2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council
Steve Breitkreuz, Mayor
Jim Allbritton, Vice Mayor
Bob Hartmann, Council Member
Gary Jablonski, Council Member
David Kuczenski, Esq., Council Member

Andrew D. Berns, MPA, Town Administrator
Keith M. Poliakoff, JD, Town Attorney
Russell Muniz, MPA, Assistant Town Administrator/Town Clerk
Emil C. Lopez, CPM, Town Financial Administrator

COUNCIL MEMORANDUM

TO: Honorable Mayor Breitkreuz and Town Council
VIA: Andrew D Berns, Town Administrator
FROM: Debra Ruesga, Deputy Town Clerk
DATE: 9/28/2023
SUBJECT: Prohibition of Phosphogypsum to Create or Repair Town or Private Roads
{Approved on First Reading September 14, 2023}

Recommendation

Town Council consideration for motion to approve the ordinance.

Unanimous Vote of the Town Council Required?

Yes

Strategic Priorities

- A. Sound Governance
- C. Reliable Public Safety
- D. Improved Infrastructure

Background

Phosphogypsum is a radioactive waste byproduct created during the process to remove phosphorus from phosphate rock in the creation of fertilizer.

Governor Ron DeSantis recently signed HB 1191 into law, authorizing the Florida Department of Transportation (FDOT) to undertake demonstration projects using phosphogypsum in road construction material while FDOT conducts a study to evaluate phosphogypsum as a construction aggregate material.

Phosphogypsum contains radionuclides including uranium, thorium, and radium, which eventually decay to radon, a radioactive gas.

The United States Center for Disease Control provides that the primary adverse health effect of exposure to increased levels of radon is lung cancer and the Environmental Protection Agency lists radon as the leading cause of lung cancer deaths in non-smokers.

Allowing the use of phosphogypsum as road construction material may lead to an increased risk of exposure to radon in the air or groundwater.

The Town of Southwest Ranches is a rural municipality that is mostly on well water. Until the impacts of the use of phosphogypsum are known, in order to preserve the health, wellness, and safety of its residents, the Town believes that it is necessary and proper to prohibit the use of phosphogypsum as material for road construction on Town and privately-owned roads within Southwest Ranches.

Fiscal Impact/Analysis

None

Staff Contact:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Debra Ruesga, Deputy Town Clerk

ATTACHMENTS:

Description	Upload Date	Type
Prohibition of Phosphogypsum Ordinance - TA Approved	9/19/2023	Ordinance

ORDINANCE NO. 2023-XXX

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA AMENDING SECTION 090-100 OF THE UNIFIED LAND DEVELOPMENT CODE (ULDC) ENTITLED ROADWAY CAPACITY, CONSTRUCTION AND DESIGN STANDARDS; PROHIBITING THE USE OF PHOSPHOGYPSUM TO CREATE OR REPAIR TOWN OR PRIVATE ROADS; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, phosphogypsum is a radioactive waste byproduct created during the process to remove phosphorus from phosphate rock in the creation of fertilizer; and

WHEREAS, Governor Ron DeSantis recently signed HB 1191 into law, authorizing the Florida Department of Transportation (FDOT) to undertake demonstration projects using phosphogypsum in road construction material while FDOT conducts a study to evaluate phosphogypsum as a construction aggregate material; and

WHEREAS, phosphogypsum contains radionuclides including uranium, thorium, and radium, which eventually decay to radon, a radioactive gas; and

WHEREAS, the United States Center for Disease Control provides that the primary adverse health effect of exposure to increased levels of radon is lung cancer and the Environmental Protection Agency lists radon as the leading cause of lung cancer deaths in non-smokers; and

WHEREAS, allowing the use of phosphogypsum as road construction material may lead to an increased risk of exposure to radon in the air or groundwater; and

WHEREAS, the Town of Southwest Ranches is a rural municipality that is mostly on well water; and

WHEREAS, until the impacts of the use of phosphogypsum are known, in order to

preserve the health, wellness, and safety of its residents, the Town believes that it is necessary and proper to prohibit the use of phosphogypsum as material for road construction on Town and privately-owned roads within Southwest Ranches.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA THAT:

Section 1. The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Council.

Section 2. That Article 90 Section 090-100 of the Unified Land Development Code shall be amended as follows:

(B) Construction to conform to county standards; exceptions. The construction of roadways, and work in the public right-of-way shall conform to county Resolution No. 85-3606, county administrative code, "Minimum Construction Standards Applicable To Public Rights-Of-Way Under Broward County Jurisdiction or the Florida Department of Transportation Standards Specifications for Road and Bridge Construction," except that low volume roadways with eighteen (18) feet of pavement width, as permitted in tables 90-2 and 90-3, may utilize any pavement design method attaining a minimum structural value of 2.25, in lieu of the less flexible county and state department of transportation specifications, but shall comply with all other safety and operational criteria set forth in The Florida Green Book (The Florida Manual of Uniform Minimum Standard for Design, Construction, and Maintenance). However, Phosphogypsum shall not be used as a construction material, including on any Town-owned or privately owned road.

Section 3. Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4. Severability. If any word, phrase, clause, sentence, or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 5. Codification. It is the intention of the Town Council of Town of Southwest Ranches that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Southwest Ranches, Florida, that the Sections of this Ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase to accomplish such intention.

Section 6. Effective Date. This Ordinance shall be effective immediately upon its adoption.

[Signatures on Next Page]

PASSED ON FIRST READING this 14th day of September, 2023 on a motion made by Council Member Kuczenski and seconded by Council Member Hartmann.

PASSED AND ADOPTED ON SECOND READING this ___ day of ____, 2023, on a motion made by _____ and seconded by _____.

Breitkreuz _____
Allbritton _____
Hartmann _____
Jablonski _____
Kuczenski _____

Ayes _____
Nays _____
Absent _____
Abstaining _____

Steve Breitkreuz, Mayor

ATTEST:

Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff, J.D., Town Attorney
1001.2378.01