



FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis
Governor

Alexis A. Lambert
Secretary

Southwest District
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

July 21, 2025

Jeremy Waugh, P.E., P.M.P.,
Director of Utilities
Pinellas County Utilities
14 South Ft. Harrison Avenue
Clearwater, Florida 33756
jwaugh@pinellascounty.org

SUBJECT: Proposed Third Amended Consent Order OGC File No. 18-0112
Pinellas County Utilities – South Cross Bayou
Facility ID No. FL0040436
Pinellas County

Dear Mr. Waugh:

Enclosed is the Proposed Third Amendment to Consent Order, OGC File No. 18-0112, regarding the above-referenced facility. Please review, sign, and return the Consent Order by **August 15, 2025**, if in agreement. If not in agreement, please contact The Florida Department of Environmental Protection (“Department”) immediately. Upon return of the signed Consent Order, I shall execute it, and a copy will be sent to you.

The executed Consent Order constitutes final agency action of the Department, which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes. By countersigning the Consent Order, the Department waives its right to seek judicial imposition of damages, costs and expenses, or civil penalties for the alleged violations. By signing the Consent Order, you, as the Respondent, acknowledges and waives its right to a hearing and appeal of the terms of the Consent Order.

If the signed Consent Order is not received by the Department by **August 15, 2025**, the Department will assume that you are not interested in the settlement on the above terms, and the matter may be referred to the Office of General Counsel for formal enforcement action. None of your rights or substantial interests are determined by the Consent Order until it is signed and filed with the Department.

Should you have any questions, please contact Emmalise Hunter at (813) 470-5787, or via e-mail: Emmalise.C.Hunter@FloridaDEP.gov. Thank you for your cooperation.

Proposed Third Amended Consent Order OGC File No. 18-0112
Pinellas County Utilities – South Cross Bayou

Sincerely,



Ms. Kelley M. Boatwright
Southwest District Director
Florida Department of Environmental Protection

Enclosure: Proposed Consent Order
 Exhibit A In-Kind Project
 Exhibit B Corrective Action Plan
 Exhibit C Interim DMR Part A

cc: Kelley M. Boatwright, FDEP, Kelley.M.Boatwright@FloridaDEP.gov
 Pamala Vazquez, FDEP, Pamala.Vazquez@FloridaDEP.gov
 Emily Larson, FDEP, Emily.Larson@FloridaDEP.gov
 Erica Peck, FDEP, Erica.Peck@FloridaDEP.gov
 Emmalise Hunter, FDEP, Emmalise.C.Hunter@FloridaDEP.gov
 Michele Duggan, Pinellas County Utilities, mduggan@co.pinellas.fl.us
 Dean Lyons, Pinellas County Utilities, DeLyons@pinellas.gov
 Miles Belknap, Pinellas County Utilities, MBelknap@pinellas.gov
 Noralvys Hancock, Pinellas County Utilities, NHancock@pinellas.gov
 Dontrell Smith, Pinellas County Utilities, DSmith@pinellas.gov
 Kevin King, Pinellas County Utilities, KmKing@pinellas.gov
 Gregory Dyer, Pinellas County Utilities, GDyer@pinellas.gov
 Karen O'Connor, Pinellas County Utilities, KOConnor@pinellas.gov
 Drew Boylson, Pinellas County Utilities, DBoylson@pinellas.gov

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT	)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION	)	SOUTHWEST DISTRICT
	)	
v.	)	OGC FILE NO. 18-0112
	)	
PINELLAS COUNTY UTILITIES	)	
_____	)	

THIRD AMENDED CONSENT ORDER

This Third Amended Consent Order (“Third Amended Order”) is entered into between the State of Florida Department of Environmental Protection (“Department”) and Pinellas County Utilities - South Cross Bayou (“Respondent”) to amend Consent Order, OGC File No. 18-0112, effective May 4, 2018 (“Original Order”), to include: an order to provide and implement Corrective Action Plan (“Plan”) addressing permit limit exceedances; interim limits for Total Nitrogen; and an extension to the final compliance deadline. It is hereby agreed between the parties that this Third Amended Consent Order shall amend the Original Order and all previous Amended Consent Orders, only to the extent specifically stated herein, and that all the provisions of the Original Order and all previous Amended Consent Orders, not addressed shall remain in full force and effect.

The Department finds that the following violations occurred:

5.

a. A review of the Respondent’s discharge monitoring reports (DMRs) for the period of January 2023 – March 2025 indicates the permit limits for Total Nitrogen (“TN”) were exceeded, as shown in Table 1, below:

Table 1: DMR Exceedances

Date	Parameter	Result	Limit	Units	Statistical Base
1/31/2025	Total Nitrogen	3.01	3.0	mg/L	AB – Annual Average

12/31/2024	Total Nitrogen	3.08	3.0	mg/L	AB – Annual Average
11/30/2024	Total Nitrogen	3.20	3.0	mg/L	AB – Annual Average
10/31/2024	Total Nitrogen	3.25	3.0	mg/L	AB – Annual Average
9/30/2024	Total Nitrogen	3.22	3.0	mg/L	AB – Annual Average
8/31/2024	Total Nitrogen	3.17	3.0	mg/L	AB – Annual Average
8/31/2024	Total Nitrogen	5.43	4.5	mg/L	WA – Weekly Average
8/31/2024	Total Nitrogen	5.28	3.75	mg/L	MK – Monthly Average
7/31/2024	Total Nitrogen	5.44	4.5	mg/L	WA – Weekly Average
7/31/2024	Total Nitrogen	5.65	3.75	mg/L	MK – Monthly Average
7/31/2024	Total Nitrogen	6.60	6.0	mg/L	MB - Maximum
3/31/2024	Total Nitrogen	6.53	6.0	mg/L	MB - Maximum
2/29/2024	Total Nitrogen	8.17	6.0	mg/L	MB - Maximum
2/28/2024	Total Nitrogen	10.7	6.0	mg/L	MB - Maximum

The exceedances for Total Nitrogen listed in Table 1 are violations of the established permit limits and 62-4.160(1), Florida Administrative Code (F.A.C.), which states that it is a violation to fail to comply with the terms, conditions, requirements, limitations, and restrictions set forth in the Permit. These exceedances are also violations of Rule 62-600.410(1), F.A.C., which provides that “all domestic wastewater facilities shall be operated and maintained in accordance with the applicable provisions of this chapter and related regulations so as to attain, at a minimum, the reclaimed water or effluent quality required by the wastewater facility permit.”

6. This Third Amended Consent Order is to allow time for the Respondent to implement a Corrective Action Plan (“Plan”) addressing permit limit exceedances; to set interim limits for Total Nitrogen; and to extend the final compliance deadline. Having reached a resolution of the matter Respondent and the Department mutually agree, and it is

ORDERED

7.

a. By **December 31, 2028**, and thereafter, Respondent shall reduce dichlorobromomethane (“DCBM”) and dibromochloromethane (“DBCM”) through reduction of the sources of this constituent or by treatment so that the Facility’s effluent complies with the water quality standard for DCBM and DBCM, as defined in Rule 62-302.530, F.A.C. Respondent shall take whatever corrective actions are necessary to meet the limit for DCBM and DBCM in the South Cross Bayou Facility’s effluent. However, if a permit revision or additional Department permit is required for the corrective actions, the Respondent must obtain the permit revision or Department permit prior to placing the modifications into operation. Respondent must govern their actions through submittal of appropriate information, applications, pertinent data, and responses to Department requests for additional information to comply with the water quality standard for DCBM and DBCM.

b. Upon the effective date of this Third Amended Consent Order and lasting through **December 31, 2028**, the South Cross Bayou Facility’s effluent discharged to Joe’s Creek shall meet the following criteria: The effluent shall not contain more than 50.0 µg/L of DCBM and 80.0 µg/L of DBCM on an annual average basis as the interim limit. The interim limits shall become effective upon the first day of the month following the effective date of this Third Amended Consent Order and remain in effect until **December 31, 2028**. A copy of the Discharge Monitoring Report (“DMR”) to be used for reporting the interim limit values is incorporated herein and attached as Exhibit C. Sampling, analysis and reporting of DCBM and DBCM shall be in accordance with the permit. This interim limit does not act as a State of Florida Department of Environmental Protection wastewater permit effluent limitation or modified permit limitation, nor does it authorize or otherwise justify violation of the Florida Air and Water

Pollution Control Act, Part I, Chapter 403, Florida Statutes (F.S.), during the pendency of this Third Amended Consent Order.

c. **From the effective date of this Third Amended Order,** Respondent shall implement the Plan dated December 27, 2024, addressing exceedances. A copy of the Plan is attached hereto as Exhibit B and incorporated herein. If the Department requires additional information for the Plan, the Department may notify the Respondent in writing by issuing a Request for Additional Information (“RAI”). The Respondent shall submit the required information identified in the RAI within the timeframe provided for in the RAI. Upon the effective date of this Third Amended Order, the Plan shall become an enforceable component of this Third Amended Order and Respondent shall conduct the work detailed in the Plan within the timeframes specified thereunder.

d. **By December 31, 2028,** and thereafter, Respondent shall operate in compliance with the Permit limits for Total Nitrogen. Respondent shall take whatever corrective actions are necessary to meet the limit for Total Nitrogen in the Facility’s effluent. However, if a permit revision or additional Department permit is required for the corrective actions, Respondent must obtain the permit revision or Department permit prior to placing the modifications into operation. Respondent must govern its actions through submittal of appropriate information, applications, pertinent data, and responses to Department requests for additional information to comply with the Permit limit for Total Nitrogen by **December 31, 2028,** and thereafter.

8.

a. **Upon the first day of the month following the effective date of this Third Amended Order and lasting through January 1, 2027,** the Facility’s effluent discharge to surface waters shall meet the following Total nitrogen interim limits, as identified in Table 2, below:

Table 2: TN Interim Limits

Parameter	Interim Limit	Unit	Statistical Base
Nitrogen, Total	5.0	mg/L	AB – Annual Average
Nitrogen, Total	6.75	mg/L	WA – Weekly Average
Nitrogen, Total	5.75	mg/L	MK – Monthly Average
Nitrogen, Total	11.0	mg/L	MB - Maximum

A copy of the DMR to be used for reporting the interim limit values is incorporated herein and attached as Exhibit C. Sampling, analysis and reporting of the aforementioned parameters shall be in accordance with the permit. These interim limits do not act as a State of Florida Department of Environmental Protection wastewater permit effluent limitations or modified permit limitations, nor does it authorize or otherwise justify violation of the Florida Air and Water Pollution Control Act, Part I Chapter 403, Florida Statutes, during the pendency of this Third Amended Order.

9. Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all corrective actions required by paragraphs 7-8 above within the respective deadlines specified thereunder and be in full compliance with the facility permit, Section 403.161(1)(a), F.S., and Chapter 62-4, 62-600, 62-604 and 62-620, F.A.C., by **December 31, 2028**, regardless of any intervening events or alternative time frames imposed in this Third Amended Order or shall cease discharging to surface waters.

10. Every calendar quarter after the effective date of this Third Amended Consent Order, Respondent shall submit in writing to the Department, a report containing information concerning the status and progress of projects being completed under this Third Amended Consent Order, information as to compliance or noncompliance with the applicable requirements of this Third Amended Consent Order including construction requirements and effluent limitations, and any reasons for noncompliance. These reports shall also include a projection of the work to be

performed pursuant to this Third Amended Consent Order during the 12-month period which will follow the report. These reports shall be submitted to the Department within 30 days following the end of the calendar quarter.

11. **Within 30 days of the effective date of this Third Amended Consent Order**, Respondent shall pay the Department \$250.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Third Amended Order.

12. *(No civil penalties are being assessed as part of this Third Amendment; this paragraph is not changing).*

13. Respondent agrees to pay the Department stipulated penalties in the amount of \$1,000.00 per month for each and every month Respondent fails to timely comply with the requirements of paragraph(s) 7 through 10 of this Third Amended Consent Order. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Third Amended Consent Order. If the Department is required to file suit to recover stipulated penalties, the Department will not be foreclosed from seeking civil penalties for violations of the Third Amended Consent Order, or any other provision of law in an amount greater than the stipulated penalties under this paragraph.

14. Upon the effective date of this Third Amended Consent Order, Respondent shall pay the Department stipulated penalties for any discharges of wastewater from the WWTF and/or collection/transmission system. Respondent shall pay stipulated penalties as follows:

Amount per Day per Discharge	Discharge Volume
\$1,000.00	up to 5,000 gallons
\$2,000.00	5,001 to 10,000 gallons
\$5,000.00	10,001 to 25,000 gallons
\$10,000.00	25,001 to 100,000 gallons

\$15,000.00

in excess of 100,000 gallons

15. Respondent shall make all payments required by this Third Amended Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order becomes final and effective filed with the Clerk of the Department before the ability to make online payment is available.

16. Except as otherwise provided, all submittal and payments required by this Third Amended Order shall be sent to the Southwest District, Department of Environmental Protection, 13051 North Telecom Parkway, Suite 101, Temple Terrace, Florida, 33637.

17. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Third Amended Consent Order and the rules and statutes administered by the Department.

18. In the event of a sale or conveyance of the Facility or of the Property upon which the Facility is located, if all of the requirements of this Third Amended Consent Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the Facility or Property, (a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in control of the Facility, and (c) provide a copy of this Third Amended Consent Order with all attachments to the purchaser, operator, or person(s) in control of the Facility. The sale or conveyance of the Facility or the Property does not relieve Respondent of the obligations imposed in this Third Amended Consent Order.

19. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood

of delay in complying with the requirements of this Third Amended Consent Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

20. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Third Amended Consent Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for the violations described above up to the date of the filing of this Third Amended Consent Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Third Amended Consent Order.

21. This Third Amended Consent Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Third Amended Consent Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Third Amended Consent Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

22. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Third Amended Consent Order.

23. Respondent is fully aware that a violation of the terms of this Third Amended Consent Order may subject Respondent to judicial imposition of damages, civil penalties up to \$10,000 per day per violation, and criminal penalties.

24. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Third Amended Consent Order. Respondent also acknowledges and waives its right to appeal the terms of this Third Amended Consent Order pursuant to section 120.68, F.S.

25. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Third Amended Consent Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

26. The terms and conditions set forth in this Third Amended Consent Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Third Amended Consent Order constitutes a violation of section 403.161(1)(b), F.S.

27. This Third Amended Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., and it is final and effective on the date filed with the

Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Third Amended Consent Order will not be effective until further order of the Department.

28. Respondent shall publish the following notice in a newspaper of daily circulation in Pinellas County, Florida. The notice shall be published one time only within 14 days of the effective date of the Third Amended Consent Order. Respondent shall provide a certified copy of the published notice to the Department within 10 days of publication.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF THIRD AMENDED CONSENT ORDER

The Department of Environmental Protection (Department) gives notice of agency action of entering into a Third Amended Consent Order with PINELLAS COUNTY pursuant to section 120.57(4), Florida Statutes. The Third Amended Consent Order addresses exceedances of Total Nitrogen, dichlorobromomethane (DCBM) and dibromochloromethane (DBCM) from the Pinellas County South Cross Bayou WWTF. The Third Amended Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 13051 N. Telecom Parkway, Suite 101, Temple Terrace, Florida 33637.

Persons who are not parties to this Third Amended Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Third Amended Consent Order means that the Department's final action may be different from the position it has taken in the Third Amended Consent Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Third Amended Consent Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Third Amended Consent Order;
- d) A statement of when and how the petitioner received notice of the Third Amended Consent Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Third Amended Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Third Amended Consent Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Third Amended Consent Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the Southwest District Office at 13051 N. Telecom Parkway, Suite 101, Temple Terrace, Florida 33637. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests

are affected by this Third Amended Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

29. Rules referenced in this Third Amended Consent Order are available at <https://softlive.dep.state.fl.us/ogc/ogc/content/rules>.

FOR THE RESPONDENT:



Commissioner Brian Scott
Chair
Board of County Commissioners

August 5, 2025.
Date

ATTEST: KEN BURKE, CLERK

By:

APPROVED AS TO FORM

By:
Office of the County Attorney

DONE AND ORDERED this _____ day of _____, 2025, in
Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Kelley M. Boatwright
District Director
Southwest District

FILED, on this date, pursuant to section 120.52, Fla. Stat., with the designated
Department Clerk, receipt of which is hereby acknowledged.

Clerk

Date

Copies furnished to:
Lea Crandall, Agency Clerk

Exhibit A

In-Kind Projects

I. Introduction

Proposal

a. Within 60 days of the effective date of this Consent Order, or, of the Department's notification that applying stipulated penalties to an in-kind project is acceptable, Respondent shall submit, either electronically or by certified mail, a detailed in-kind project proposal to the Department for evaluation. The proposal shall include a summary of benefits, proposed schedule for implementation and documentation of the estimated costs which are expected to be incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the in-kind project.

Proposal Certification Form

b. The proposal shall also include a Certification by notarized affidavit from a senior management official for Pinellas County Utilities who shall testify as follows:

My name is _____ and do hereby testify under penalty of law that:

A. I am a person with management responsibilities for Pinellas County Utilities budget and finances. During the eighteen-month period prior to the effective date of Consent Order OGC Case No.: 18-0112 there has not been any transfer or use of funds obtained by Pinellas County Utilities from the collection of sewer rates for any purpose not related to the management, operation, or maintenance of the Sewer System or to any capital improvement needs of the Sewer System.

B. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly submitting false information in this certification.

Sworn to and subscribed before me, by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 20__ by

Personally, known or by Production of the following Identification _____

Notary Public, State of Florida

Printed/typed or stamped name:

My Commission Expires: _____

Commission/Serial No.: _____

Annual Certification Form

My name is _____ (print or type name of

Pinellas County Utilities senior management official) and do hereby testify under penalty
of law that:

A. I am a person with management responsibilities for Pinellas County Utilities budget and finances. During the twelve-month period immediately preceding the notary date on this Certification, there has not been any transfer or use of funds obtained by Pinellas County Utilities from the collection of sewer rates for any purpose not related to the management, operation, or maintenance of the Sewer System or to any capital improvement needs of the Sewer System.

B. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly submitting false information in this certification.

Sworn to and subscribed before me, by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 20__ by

Personally, known or by Production of the following Identification _____

Notary Public, State of Florida

Printed/typed or stamped name:

My Commission Expires: _____

Commission/Serial No.: _____

c. If the Department requests additional information or clarification due to a partially incomplete in-kind project proposal or requests modifications due to deficiencies with Department guidelines, Respondent shall submit, either electronically or by certified mail, all requested additional information, clarification, and modifications within 15 days of receipts of written notice.

d. If upon review of the in-kind project proposal, the Department determines that the project cannot be accepted due to a substantially incomplete proposal or due to substantial deficiencies with minimum Department guidelines; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the proposal. Respondent shall correct and redress all the matters at issue and submit, either electronically or by certified mail, a new proposal within 30 days of receipt of written notice. In the event that the revised proposal is not approved by the Department, Respondent shall make cash payment of the civil penalties as set forth in this Consent Order, within 30 days of Department notice.

e. Within 120 days of the effective date of this Consent Order, or, of the Department's notification that applying stipulated penalties to an in-kind project is acceptable Respondent shall obtain approval for an in-kind project from the Department. If an in-kind project proposal is not approved by the Department within 120 days of the effective date of this Consent Order, or, of the Department's notification that applying stipulated penalties to an in-kind project is acceptable then Respondent shall make cash payment of the civil penalties as set forth in this Consent Order within 30 days of Department notice.

f. Within 180 days of obtaining Department approval for the in-kind proposal or in accordance with the approved schedule submitted, the Respondent shall complete the entire in-kind project.

g. During the implementation of the in-kind project, Respondent shall place appropriate sign(s) at the project site indicating that Respondent's involvement with the project is the result of a Department enforcement action. Respondent may remove the sign(s) after the project has been completed. However, after the project has been completed Respondent shall not post any sign(s) at the site indicating that the reason for the project was anything other than a Department enforcement action.

h. In the event, Respondent fails to timely submit any requested information to the Department, fails to complete implementation of the in-kind project or otherwise fails to comply with any provision of this paragraph, the in-kind penalty project option shall be forfeited, and the entire amount of civil penalties shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the penalty, no additional penalties shall be assessed for failure to complete the requirement of this paragraph.

i. Within 15 days of completing the in-kind project, Respondent shall notify the Department, either electronically or by certified mail, of the project completion and request a verification letter from the Department. Respondent shall submit supporting information verifying that the project was completed in accordance with the approved proposal and documentation showing the actual costs incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the project.

j. If upon review of the notification of completion, the Department determines that the project cannot be accepted due to a substantially incomplete notification of completion or due to substantial deviations from the approved in-kind project; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the project. Respondent shall correct and redress all the matters at issue and submit, either electronically or by certified mail, a new notification of completion within 15 days of receipt of the Department's notice. If upon review of the new submittal, the Department determines that the in-kind project is still incomplete or not in accordance with the approved proposal, the in-kind penalty project option shall be forfeited, and the entire amount of civil penalty shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the penalty, no additional penalties shall be assessed for failure to complete the requirements of this paragraph.



December 27, 2024

Emmalise Hunter
Environmental Specialist
Florida Department of Environmental Protection

Dear Emmalise,

Here are the follow-up responses from our conversation on December 5, 2024.

Q1: Anticipated timeline for replacement of CCC jockey pumps. Please indicate the short and long-term corrective actions the County has planned to address the DBCM and DCBM exceedances.

On November 14, 2024, Plant staff coordinated with a vendor to make the repairs for 2 pumps that are out of service. Staff is expecting to get these pumps back and running by no later than the end of March 2025. The table below shows the metrics for October and November for both byproducts:

Exceedances/ Month	October 2023	October 2024	November 2023	November 2024
DBCM ug/L (Annual Av. 34 ug/L)	67	78	55	72
DCBM ug/L (Annual Av. 22 ug/L)	26	27	22	26

Additionally, the Fully Executed (FE) Second Amendment to the Consent Order 18-0112 provides an update to the limits to the Plant's annual average discharge on the following, effective July 9, 2020, through May 31, 2025.

Chlorodibromomethane ~ DBCM (Limit 34 ug/L) ~ (Interim Limit 80 ug/L)

Dichlorobromomethane ~ DCBM (Limit 22 ug/L) ~ (Interim Limit 50 ug/L)

Short-term corrective actions to address the DBCM and DCBM exceedances: Plant staff is working diligently with the vendor to ensure proper repairs are being done, expediting time, and making these repairs a priority. Once the Plant staff gets the pumps back, the team will install them as quickly as possible to avoid any further interruptions to the wastewater treatment cycle overall.

Long-Term corrective actions to address the DBCM and DCBM exceedances: After internal discussions regarding efficiencies within the Plant's processes, staff determined that these pumps may not be the most efficient way to obtain the saturation needed; mechanical pumps might not be the best available option. Plant staff Subject Matter Experts (SMEs) will meet with other divisions in the Department to see the possibility of getting new equipment to obtain saturation wanted and reduce the exceedances in DBCM and DCBM going forward.

Some options are installing new blowers to the process to replace all jockey pumps; another option is to incorporate a new UV system, which this option is in feasibility conversations and will comply with Senate Bill 64. A third option is to propose a time extension to the Second Amendment to the consent order until **November 2026**.

14 South Fort Harrison Avenue
Clearwater, FL 33756
Phone (727) 464-4000
Fax (727) 464-3717
V/TDD (727) 464-4062
Pinellas.gov

Our department is currently discussing these options, will be presenting final thoughts to our leadership team, and ultimately submit the preferred choice to FDEP for approval.

Q2: Anticipated timeline for completion of the denitrification filter rehabilitation and a contingency plan indicating the short and long-term corrective actions the County has planned to address the nitrogen exceedances.

The Denitrification Project (PID No. 003408A) is an ongoing in-progress CIP project that started in October 2023 and has a completion date of October 28, 2026. The contractor will have completed 4 out of 12 filter rehabs by the end of December 2024, resulting in improvements in contrast with the older media. Additionally, there are components to the filter that need replacement, which will take time to install and see results in our overall denitrification process.

In the last 3 months, we have exceeded the total amount of nitrogen in September; however, October and November’s timeframe did not have a total Nitrogen exceedance; the Plant was compliant for both months.

Exceedances/ Month	September	October	November
Nitrogen (Monthly Av. 3.75mg/L)	3.94	1.51	1.85

Short-term corrective actions to address Nitrogen exceedances:

Plant staff recognizes that Nitrogen exceedances were higher over the last three (3) months due to the yearly increase in rainfalls (rainy season). Note that our County went through two (2) major Hurricanes this year (September - October). The result of the seasonal weather, including the Denitrification project, made our metrics to be high and the surge of Nitrogen was inevitable.

Long-term corrective actions to address Nitrogen exceedances:

Long-lasting corrective action is the Denitrification Project altogether. The replacement of all filters (12) within the denitrification building (located at the Plant’s facility) will show a significant improvement in our Nitrogen egress through the effluent and into Joe’s Creek, which we are expecting to be within or lower than the permit’s range, compliant to FDEP’s regulations. The project’s main objective is the replacement of these twelve (12) filters; effluent valve replacements will be performed after each filter is replaced by the contractor. We are expecting to have no setbacks on timeframes; the project's estimated completion date is on or before October 28, 2026.

In addition, Nitrate effluent calibrations were made in early September by plant staff to compensate for the readings being shown on our daily Methanol report. In July and August, nutrient levels were reading incorrectly, causing wrong levels of Methanol to show in our dashboard due to mechanical errors within our equipment. We have made additional calibrations and replacements to our equipment in early November to avoid these readings going forward.

Q3: Corrective Actions for the chronic unauthorized discharges from 9677 Seminole Blvd, Seminole.

This has been agreed to be of urgent matter within Pinellas County Utilities (PCU). There is a heavy presence of private sewer systems upstream of this location, and our Private Sewer System Program is working to mitigate the I&I being contributed from them through investigations and enforcement. In addition, PCU has taken over the collection/transmission systems of 10 mobile home parks in the area with the intent to bring them up to PCU standards. Utility construction is underway in four mobile home park systems (with plans to add four more) tied to that gravity line, to help address the I&I issues in that pipe.

The 30" gravity line has not been scheduled as a Capital Improvement Project but is included in recommendations for a future project within our Engineering developers during the next budget planning (late 2025). Timeline will be up to five (5) years out for completion due to the scope of this type of replacement.

Q4: County's response/reasoning for delayed reporting of unauthorized discharges from the Hurricane Milton event.

County personnel responded to Hurricane Milton and the destruction it left our neighborhoods and homes after the "all clear" on October 10th, 2024. The winds of up to 100 mph caused severe power outages, downed trees, and created unsafe roads in areas throughout Pinellas County. Once reconnaissance began, it was clear for PCU the highest priority was determining the impact to and restoring the drinking water infrastructure to our barrier island customers. The drinking water loss was so significant that all hands were dispatched to find leaks. The immense water loss caused a drop in pressure and caused water storage tanks to drain, resulting in a boil water notice. Resources were used to shut valves once leaks were found to restore pressure in the system. Overall, over 19,184 customers lost water for up to seven days. This limited the available number of first responders to verify reports of sanitary sewer overflows (SSOs). Additional field personnel were tasked with "generator duty" through-out the wastewater collection system at lift stations due to the out of our control large-scale power outages, to remediate the backups out of upstream manholes.

In that first 24 hours, the ability to verify SSOs was hampered in areas where access was limited due to the piles of debris and still-flooded streets. The logistics of responding to the large number of unverified SSOs (PCU verified and reported 37 to the State Watch Office), gathering resources to stop the verified overflows, transferring the individual SSO information from the field to office personnel to gather in a format reportable and in three different ways was a daunting task to be done in less than 24 hours.

PCU hopes that its good faith efforts, following this catastrophic event, with reporting accurate data of all verified SSOs that were found, and sampling and tracking of impacted waterways shows that it is taken seriously here at the County.

Sincerely,

Dontrell Smith

Dontrell Smith (Dec 26, 2024 14:57 EST)

Dontrell Smith

Wastewater Treatment Plant Manager

South Cross Bayou AWRP

dsmith@pinellas.gov (727) 582-7043

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed submit this report to: <https://www.fldeportal.com/go/>

PERMITTEE NAME: Pinellas County Utilities
MAILING ADDRESS: 14 South Fort Harrison Avenue
Largo, Florida 33756

FACILITY: South Cross Bayou AWRF
LOCATION: 7401 54th Ave N.
St Petersburg, FL 33709-1374

COUNTY: Pinellas
OFFICE: Southwest District

PERMIT NUMBER: FL0040436-030-DW1/MR

CO NUMBER **CO # 18-0112**

LIMIT: Interim

CLASS SIZE: MA

MONITORING GROUP NUMBER: D-001

MONITORING GROUP DESCRIPTION: D-001

RE-SUBMITTED DMR: ☐

NO DISCHARGE FROM SITE: ☐

MONITORING PERIOD From: _____ To: _____

REPORT FREQUENCY: Monthly
PROGRAM: Domestic

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement										
PARM Code 50050 Y Mon. Site No. FLW-01	Permit Requirement		20 (An.Avg.)	MGD						Continuous	Flow Totalizer
Flow	Sample Measurement										
PARM Code 50050 I Mon. Site No. FLW-01	Permit Requirement		Report (Mo.Avg.)	MGD						Continuous	Flow Totalizer
BOD, Carbonaceous 5 day, 20C	Sample Measurement										
PARM Code 80082 Y Mon. Site No. EFA-01	Permit Requirement				5.0 (An.Avg.)			mg/L		Monthly	24-hr FPC
BOD, Carbonaceous 5 day, 20C	Sample Measurement										
PARM Code 80082 A Mon. Site No. EFA-01	Permit Requirement				6.25 (Mo.Avg.)	7.5 (Max.Wk.Avg.)		mg/L		Monthly	24-hr FPC
BOD, Carbonaceous 5 day, 20C	Sample Measurement										
PARM Code 80082 P Mon. Site No. EFA-01	Permit Requirement					10.0 (Max.)		mg/L		Daily; 24 hours	24-hr FPC
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 Y Mon. Site No. EFA-01	Permit Requirement				5.0 (An.Avg.)			mg/L		Monthly	24-hr FPC

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (mm/dd/yyyy)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY: South Cross Bayou AWRF

MONITORING GROUP D-001

PERMIT NUMBER: FL0040436-030-DW1/MR

NUMBER:

MONITORING PERIOD

From: _____

To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 A Mon. Site No. EFA-01	Permit Requirement				6.25 (Mo.Avg.)	7.5 (Max.Wk.Avg.)		mg/L		Monthly	24-hr FPC
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 P Mon. Site No. EFA-01	Permit Requirement					10.0 (Max.)		mg/L		Daily; 24 hours	24-hr FPC
Solids, Total Suspended	Sample Measurement										
PARM Code 00530 B Mon. Site No. EFB-01	Permit Requirement					5.0 (Max.)		mg/L		Daily; 24 hours	Grab
Nitrogen, Total	Sample Measurement										
PARM Code 00600 Y Mon. Site No. EFA-01	Permit Requirement				5.0 (An.Avg.)			mg/L		Monthly	24-hr FPC
Nitrogen, Total	Sample Measurement										
PARM Code 00600 A Mon. Site No. EFA-01	Permit Requirement				5.75 (Mo.Avg.)	6.75 (Max.Wk.Avg.)		mg/L		Monthly	24-hr FPC
Nitrogen, Total	Sample Measurement										
PARM Code 00600 P Mon. Site No. EFA-01	Permit Requirement					11.0 (Max.)		mg/L		Daily; 24 hours	24-hr FPC
Phosphorus, Total (as P)	Sample Measurement										
PARM Code 00665 Y Mon. Site No. EFA-01	Permit Requirement				1.0 (An.Avg.)			mg/L		Monthly	24-hr FPC
Phosphorus, Total (as P)	Sample Measurement										
PARM Code 00665 A Mon. Site No. EFA-01	Permit Requirement				1.25 (Mo.Avg.)	1.5 (Max.Wk.Avg.)		mg/L		Monthly	24-hr FPC
Phosphorus, Total (as P)	Sample Measurement										
PARM Code 00665 P Mon. Site No. EFA-01	Permit Requirement					2.0 (Max.)		mg/L		Daily; 24 hours	24-hr FPC
pH	Sample Measurement										
PARM Code 00400 1 Mon. Site No. EFD-01	Permit Requirement				6.5 (Min.)	8.5 (Max.)		s.u.		Continuous	Meter

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY: South Cross Bayou AWRF

MONITORING GROUP D-001

PERMIT NUMBER: FL0040436-030-DW1/MR

NUMBER:

MONITORING PERIOD

From: _____

To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Coliform, Fecal, % less than detection	Sample Measurement										
PARM Code 51005 A Mon. Site No. EFA-01	Permit Requirement				75 (Min.Mo.Total)			percent		Monthly	Calculated
Coliform, Fecal, % less than detection	Sample Measurement										
PARM Code 51005 P Mon. Site No. EFA-02	Permit Requirement				75 (Min.Mo.Total)			percent		Monthly	Calculated
Coliform, Fecal, % less than detection	Sample Measurement										
PARM Code 51005 Q Mon. Site No. EFA-03	Permit Requirement				75 (Min.Mo.Total)			percent		Monthly	Calculated
Coliform, Fecal	Sample Measurement										
PARM Code 74055 A Mon. Site No. EFA-01	Permit Requirement					25 (Max.)		#/100mL		Daily; 24 hours	Grab
Coliform, Fecal	Sample Measurement										
PARM Code 74055 P Mon. Site No. EFA-02	Permit Requirement					25 (Max.)		#/100mL		Daily; 24 hours	Grab
Coliform, Fecal	Sample Measurement										
PARM Code 74055 Q Mon. Site No. EFA-03	Permit Requirement					25 (Max.)		#/100mL		Daily; 24 hours	Grab
Chlorine, Total Residual (For Disinfection)	Sample Measurement										
PARM Code 50060 A Mon. Site No. EFA-01	Permit Requirement				1.0 (Min.)			mg/L		Continuous	Meter
Chlorine, Total Residual (For Dechlorination)	Sample Measurement										
PARM Code 50060 I Mon. Site No. EFD-01	Permit Requirement					0.01 (Max.)		mg/L		Continuous	Meter
Enterococci	Sample Measurement										
PARM Code 31639 A Mon. Site No. EFA-01	Permit Requirement					Report (Max.)		#/100mL		Weekly	Grab
Enterococci	Sample Measurement										
PARM Code 31639 P Mon. Site No. EFA-02	Permit Requirement					Report (Max.)		#/100mL		Weekly	Grab

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY: South Cross Bayou AWRF

MONITORING GROUP D-001

PERMIT NUMBER: FL0040436-030-DW1/MR

NUMBER:

MONITORING PERIOD

From: _____

To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Enterococci	Sample Measurement										
PARM Code 31639 Q Mon. Site No. EFA-03	Permit Requirement					Report (Max.)	#/100mL			Weekly	Grab
Enterococci	Sample Measurement										
PARM Code 31639 R Mon. Site No. EFA-01	Permit Requirement					35 (Mo.Geo.Mn.)	#/100mL			Monthly	Calculated
Enterococci	Sample Measurement										
PARM Code 31639 S Mon. Site No. EFA-02	Permit Requirement					35 (Mo.Geo.Mn.)	#/100mL			Monthly	Calculated
Enterococci	Sample Measurement										
PARM Code 31639 T Mon. Site No. EFA-03	Permit Requirement					35 (Mo.Geo.Mn.)	#/100mL			Monthly	Calculated
Enterococci	Sample Measurement										
PARM Code 31639 U Mon. Site No. EFA-01	Permit Requirement					130 (90th %)	#/100mL			Monthly	Calculated
Enterococci	Sample Measurement										
PARM Code 31639 V Mon. Site No. EFA-02	Permit Requirement					130 (90th %)	#/100mL			Monthly	Calculated
Enterococci	Sample Measurement										
PARM Code 31639 W Mon. Site No. EFA-03	Permit Requirement					130 (90th %)	#/100mL			Monthly	Calculated
Oxygen, Dissolved (DO)	Sample Measurement										
PARM Code 00300 1 Mon. Site No. EFD-01	Permit Requirement				5.0 (Min.)		mg/L			Daily; 24 hours	Grab
Chlorodibromomethane	Sample Measurement										
PARM Code 34306 1 Mon. Site No. EFD-01	Permit Requirement					34 (An.Avg.)	ug/L			Monthly	Grab
Chlorodibromomethane	Sample Measurement										
PARM Code 34306 P Mon. Site No. EFD-01	Permit Requirement					Report (Max.)	ug/L			Monthly	Grab

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY: South Cross Bayou AWRF

MONITORING GROUP D-001

PERMIT NUMBER: FL0040436-030-DW1/MR

NUMBER:

MONITORING PERIOD

From: _____

To: _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Dichlorobromomethane	Sample Measurement										
PARM Code 32101 Y Mon. Site No. EFD-01	Permit Requirement				22 (An.Avg.)			ug/L		Monthly	Grab
Dichlorobromomethane	Sample Measurement										
PARM Code 32101 P Mon. Site No. EFD-01	Permit Requirement					Report (Max.)		ug/L		Monthly	Grab
Flow Rate	Sample Measurement										
PARM Code 00056 I Mon. Site No. FLW-04	Permit Requirement		Report (Day.Max.)	MGD						Continuous	Meter
Ultraviolet Light Dosage	Sample Measurement										
PARM Code 61938 J Mon. Site No. PPI-01	Permit Requirement				100 (Min.)			mW-s/sqcm		Continuous	Meter
Ultraviolet Light Dosage	Sample Measurement										
PARM Code 61938 P Mon. Site No. PPI-02	Permit Requirement				100 (Min.)			mW-s/sqcm		Continuous	Meter
Ultraviolet Light Transmittance	Sample Measurement										
PARM Code 51043 J Mon. Site No. PPI-01	Permit Requirement				51 (Min.)			percent		Continuous	Meter
Ultraviolet Light Transmittance	Sample Measurement										
PARM Code 51043 P Mon. Site No. PPI-02	Permit Requirement				51 (Min.)			percent		Continuous	Meter
Ultraviolet Light Intensity	Sample Measurement										
PARM Code 49607 J Mon. Site No. PPI-01	Permit Requirement				Report (Min.)			mW/sqcm		Continuous	Meter
Ultraviolet Light Intensity	Sample Measurement										
PARM Code 49607 P Mon. Site No. PPI-02	Permit Requirement				Report (Min.)			mW/sqcm		Continuous	Meter
Turbidity	Sample Measurement										
PARM Code 00070 B Mon. Site No. EFB-01	Permit Requirement					Report (Max.)		NTU		Continuous	Meter