



Pinellas County

Staff Report

File #: 20-976A, Version: 1

Subject:

Second Amended Consent Order between the County Utilities South Cross Bayou Advanced Water Reclamation Facility and the Florida Department of Environmental Protection.

Recommended Action:

Approval of the Second Amended Consent Order between the County Utilities South Cross Bayou Advanced Water Reclamation Facility (AWRF) and the Florida Department of Environmental Protection (FDEP).

- The Board approved a settlement with FM global insurance on June 2, 2020 as a result of equipment damages to the Ultraviolet (UV) system at the South Cross Bayou AWRF.
- As a result of those damages, two effluent permit compliance parameters are in exceedance of maximum permit limits.
- Consent orders are normally within the discretion of the Utilities Department Director.
- Second Amended Consent Order includes uncapped stipulated penalties for sanitary sewer overflows that could exceed signatory authority of Utilities Director.
- Interim methods for disinfection will be used until the system can be repaired or replaced in line with FDEP guidance.
- Intent is for County to pay existing penalty owed by providing in-kind project with an equivalent value of at least \$9,000.00.
- FDEP has requested the signed consent order by July 1, 2020.

FDEP OGC File No.18-0112; \$500.00 for costs and expenses incurred during the investigation of this matter with FDEP; Consent Order is extended until May 31, 2025.

Strategic Plan:

Practice Superior Environmental Stewardship

3.3 Protect and improve the quality of our water, air, and other natural resources

Deliver First Class Services to the Public and Our Customers

5.3 Ensure effective and efficient delivery of county services and support

Summary:

The Florida Department of Environmental Protection has issued a Second Amendment to Long Form Consent Order OGC-18-0112-2 to the South Cross Bayou Advanced Water Reclamation Facility, which defines interim limits for disinfection byproducts and extends the current Consent Order to May 31, 2025. The Second Amendment includes interim limits for dichlorobromomethane and dibromochloromethane. The current Consent Order is set to expire on June 30, 2020. These limits and date extension offer regulatory relief while a new disinfection system can be constructed.

The existing UV system was rendered inoperable after a high flow event in August of 2019. The Second Amended Consent Order includes stipulated penalties with no cap for sanitary sewer overflows. These potential penalties could reach a level beyond the signatory authority of the Utilities Director. Therefore, Board signatory authority for executing the Second Amendment is required.

The County is required to publish a one-time notice of Second Amended Consent Order in a daily newspaper within fourteen (14) days of the effective date. The County must also provide a certified copy of the published notice to the FDEP within ten (10) days of publication. Utilities Department staff will work with Marketing and Communications Department staff on publication of the Notice.

Background Information:

The Florida Department of Environmental Protection issued Long Form Consent Order OGC-18-0112 to the South Cross Bayou Advanced Water Reclamation Facility and the William E. Dunn Water Reclamation Facility in February of 2018; the Consent Order was executed on May 4, 2018. The Consent Order was related to sanitary sewer overflows during Hurricane Irma. The First Amendment, OGC-18-0112, was executed on May 20, 2019, which included an interim limit for dichlorobromomethane for the South Cross Bayou AWRP.

The FDEP will begin assessing stipulated penalties for disinfection byproduct noncompliance if the Second Amendment is not executed by the expiration date. Violation of the terms of this Second Amendment to the Consent Order may subject the County to penalties up to \$10,000.00 daily per violation, and criminal penalties.

Fiscal Impact:

Upon execution of the Second Amendment, the Utilities Department will pay the Department of Environmental Protection \$500.00 for costs and expenses incurred during the investigation of this matter. The Utilities Department will either pay \$6,000.00 in civil penalties OR implement an in-kind project with an equivalent value of at least \$9,000.00. It is the intent of Utilities to pursue an in-kind project. These expenses will come from the South Cross Bayou Advanced Water Reclamation Cost Center within the Sewer Fund. Appropriation is available for all above-stated costs within FY20 Budget.

Staff Member Responsible:

Megan Ross, Utilities, Director

Partners:

FDEP

Attachments:

Second Amendment
Cover Letter from FDEP
Exhibit A
Exhibit B
First Amendment
Consent Order
Project Location Map
Daily Publication Notice - Example