



### City of Largo Agenda Item 13

Meeting Date  
11/20/18

Presenter: Irvin Kety, Environmental Services Director

Department: ES – Environmental Services

**TITLE:**

**AUTHORIZATION TO ENTER INTO CONSENT ORDER OGC NO. 03-0666 AMENDMENT FIVE WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

On April 10, 2006, the Florida Department of Environmental Protection (FDEP) and the City of Largo entered into Consent Order OGC No. 03-0666 (Consent Order) to settle certain matters at issue between the FDEP and the City regarding Bromo-dichloromethane concentration in the Wastewater Reclamation Facility (WWRF) effluent and the discharge of millions of gallons of wastewater from the collection system to waters of the state. On August 4, 2009, a first amendment to the Consent Order was executed that stipulated corrective action be taken by July 31, 2012, to bring the WWRF effluent into compliance with the water quality criteria for Bromo-dichloromethane. This date coincided with the term of the WWRF operating permit and was set and agreed to by the FDEP and the City.

On September 14, 2012, the FDEP granted the City a second amendment to the Consent Order that required the City, by May 1, 2016, to reduce the WWRF's effluent Bromo-dichloromethane concentration to water quality criteria, as defined in the Florida Administrative Code. City staff met with the FDEP every six months to provide updates and receive feedback on the progress of the projects for replacement of the WWRF disinfection system and for the wet weather project. In these meetings FDEP recognized that the City would require a time extension to allow for responsible completion of both projects.

Staff anticipated that an increase in the peak rate of sewage flow to the WWRF would occur during the wet season after the completion of the wet weather project. The WWRF headworks, a treatment process for sewage entering the facility, required rehabilitation and redesign to meet the changes in the anticipated peak flow rate. During the Consent Order period, engineering evaluations, designs, specifications and schedules were completed for a headworks project and were thoroughly discussed with FDEP. (Continued on Page 2)

Budgeted Amount: \$0.00      Budget Page No(s).: NA      Available Amount: \$0.00      Expenditure Amount: \$0.00

Additional Budgetary Information: Authorization of this agreement extends the date and interim permit limits for Consent Order activities and does not appropriate any funds or authorize any purchases.

Funding Source(s): NA      Sufficient Funds Available:  Yes  No      Budget Amendment Required:  Yes  No      Source: N/A

City Attorney Reviewed:  Yes  No  N/A      Advisory Board Recommendation:  For  Against  N/A      Consistent With:  Yes  No  N/A      Not Applicable

Potential Motion/Direction Requested: I MOVE TO APPROVE/DISAPPROVE AUTHORIZATION TO ENTER INTO CONSENT ORDER OGC NO. 03-0666 AMENDMENT FIVE WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION.

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In 2016, the FDEP visited the construction activity for each of the Consent Order projects. Following the construction site visits, FDEP provided a third amendment to the Consent Order which extended the deadline until January 31, 2018. In 2017, City staff began regular meetings with FDEP regarding the status of Consent Order related projects nearing completion. FDEP afforded the City the opportunity to complete these projects and operate them through the 2018 wet season under a fourth amendment to the Consent Order. The fourth amendment extended the Consent Order to January 31, 2019, and increased the required Bromo-dichloromethane effluent interim limit to no more than 42.7 micrograms per liter and lowered the dissolved oxygen effluent interim minimum limit to no less than 3.5 milligrams per liter.

Proposed Amendment Five to the Consent Order is being submitted because the Administrative Order issued to the City to address the Total Nitrogen loading to Tampa Bay expired, and outstanding issues must be addressed in the Consent Order. In addition, the WWRF has exceeded other permit limits due to operational changes (i.e., halting the use of per acetic acid and increasing chlorine usage, which elevates Bromo-dichloromethane production in the effluent), and concerns about upcoming construction on the mid-plant project that could potentially affect the WWRF's ability to treat to current permit limits. FDEP has approved new interim limits for Bromo-dichloromethane (no more than 57 micrograms per liter), Phosphorous (no more than 3.0 milligrams per liter for a single sample and 2.5 milligrams per liter for a weekly average), carbonaceous biochemical oxygen demand (CBOD5 – maximum 24 milligrams per liter for a single sample), Total Nitrogen loading to Tampa Bay (maximum 30 tons for an annual average, and 22 tons averaged over 5 years), and an extension of the compliance deadline to coincide with the new permit renewal date of October 25, 2022. The wastewater collection system requirement to significantly reduce wastewater overflows remains the same as in the original Consent Order and each of the four previous amendments.