



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

December 21, 2020

Patrick C. Flynn, Vice President of Operations
Utilities, Inc. of Florida
200 Weathersfield Ave.
Altamonte Springs, FL 32714
pcflyn@uiwater.com

Re: Case Closure Letter - OGC File No. 19-1749
Mid-County Utilities
Facility ID Number FL0034789
Pinellas County

Dear Mr. Flynn:

Thank you for your letter dated December 18, 2020 transmitting the final status report for the In-Kind Project performed under Consent Order OGC File No. 19-1749. Please allow this letter to serve as acknowledgement that the requirements of Exhibit A of the Order have been completed. As all the conditions of the Consent Order have been met, the Department is closing this case file.

For inquiries, you may contact Margaret Dorge at 813-470-5703, or by email at Margaret.Dorge@FloridaDEP.gov.

Sincerely,

Kelley M. Bootwright for:

Mary E. Yeagan, PG
Southwest District Director
Florida Department of Environmental Protection

MEY/md

Enclosures: Mid-County Utilities – December 17, 2020 In-Kind Project Completion Letter

ec: Adrienne Pennington, FDEP, Adrienne.Pennington@FloridaDEP.gov
Lance Kautz, DEP-SWD, Lance.Kautz@FloridaDEP.gov

DEP v. Mid-County Utilities
Case Closure Letter - OGC File No. 19-1749
Facility ID Number FL0034789

Erica Peck, FDEP-SWD, Erica.peck@floridadep.gov
Margaret Dorge, FDEP – SWD, Margaret.Dorge@floridadep.gov
Seyd Matteson, UI Water, SJMatteson@uiwater.com
Mike Wilson, UI Water, MAWilson@uiwater.com
William Lee Neal, UI Water, wlnear@uiwater.com
Scotty Haws, UI Water, SLHaws@uiwater.com
John Hoy, UI Water, JPHoy@uiwater.com



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

February 24, 2020

Patrick C. Flynn, Vice President of Operations
Utilities, Inc. of Florida
200 Weathersfield Ave.
Altamonte Springs, FL 32714
pcflynn@uiwater.com

Re: Approval of In-Kind Project
Mid-County WWTP
Facility ID No. FL0034789
OGC File Number: 19-1749
Pinellas County

Dear Mr. Flynn:

Thank you for your letter dated February 13, 2020, requesting approval for an in-kind project to install two lift station backup generators to reduce the likelihood of power-loss related sanitary sewer overflows.

Your request is approved. The proposed project provides a benefit to the environment and qualifies as an in-kind project in lieu of making a cash payment of penalties.

The Department appreciates your efforts to identify and participate in an environmental enhancement project. If you have any questions, please contact Margaret Dorge at (813) 470-5703 or via e-mail at Margaret.Dorge@floridadep.gov.

Sincerely,

Kelley M. Bootwright for:

Mary E. Yeagan, P.G.
Director
Southwest District
Florida Department of Environmental Protection

Enclosure: In-Kind Project Proposal

ec: Adrienne Pennington, FDEP, Adrienne.Pennington@FloridaDEP.gov
Lance Kautz, DEP-SWD, Lance.Kautz@FloridaDEP.gov
Erica Peck, FDEP-SWD, Erica.peck@floridadep.gov
Margaret Dorge, FDEP – SWD, Margaret.Dorge@floridadep.gov
Seyd Matteson, UI Water, SJMatteson@uiwater.com
Mike Wilson, UI Water, MAWilson@uiwater.com
William Lee Neal, UI Water, wlnal@uiwater.com
Scotty Haws, UI Water, SLHaws@uiwater.com
John Hoy, UI Water, JPHoy@uiwater.com

www.FloridaDEP.gov



February 13, 2020

Mr. Lance Kautz
Environmental Specialist III
DEP – Southwest District Office
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

Re: OGC File No. 19-1749
In-kind project proposal
Mid-County WWTP, Pinellas County
NPDES Permit No. FL0034789

Dear Mr. Kautz,

Thank you for contacting me on Tuesday regarding the declination of our proposed in-kind project per the terms of the currently open Consent Order, OGC File No. 19-1749. It is apparent that it did not meet the Department's criteria. Subsequent to our conversation, Utilities Inc. of Florida offers below an alternative in-kind project. It is our belief that this project, which is being submitted in conformance with Exhibit A of the Consent Order, will be acceptable.

Scope of project:

Engineering design, permitting, installation and maintenance of the following equipment:

1. Installation of a 40kW, 240v, 3-phase generator and automatic transfer switch at Lift Station 4 (Macaroni Grill).
2. Installation of a 60kW, 480v, 3-phase generator and automatic transfer switch at Lift Station 7 (Wilshire LS).
3. Each unit includes a double-walled sub-base diesel fuel tank with interstitial monitoring and sized for three days of continuous use.
4. Alarms generated from the generator's control panel will output to an existing remote alarm panel that will then inform field staff of abnormal conditions and trigger a timely response.
5. The two generators will be exercised under load on a weekly basis for approximately one hour.
6. The two generators will be added to our generator maintenance plan, which includes semi-annual maintenance checks by qualified technicians.

Project benefits:

The dry weather flow through Lift Station 4 (Macaroni Grill) is roughly 25% of the Mid-County Wastewater Treatment Plant's influent flow. Historically, the volume pumped at LS 4 rapidly and significantly increases during and after heavy rain events. A loss of normal power in dry or wet weather at this station substantially increases the risk of a Sanitary Sewer Overflow (SSO) at or near the lift station. This station is adjacent to the US 19 North right-of-way as well as a drainage swale that empties into Curlew Creek.

Lift Station 7 (Wilshire Drive)'s location is directly adjacent to Curlew Creek, a tributary to the Gulf of Mexico. A substantial amount of wastewater flows through LS 7 on a daily basis. A loss of normal power, especially during wet weather conditions when the flow jumps quickly, is at risk of causing an SSO at LS 7 that will then result in wastewater flowing directly into the creek.

Both lift stations had power failures in 2019 that resulted in SSO's that entered Curlew Creek, which prompted FDEP staff to hold an informal conference in September 2019 following the issuance of a Warning Letter to the Utility. By installing the proposed generators and auto transfer switches at each station, the risk of future SSO's will be mitigated substantially, especially when outages occur outside of normal business hours.

The time lag between a power failure and the delivery of emergency power from a trailer-mounted generator can quickly exceed the storage capacity of either lift station's wet well and piping network. Therefore, the installation of emergency generators that start automatically on the loss of power and automatically shift the power feed to the lift station control panel will provide a substantial environmental benefit and thus be compliant with the Department's guidance with respect to in-kind projects.

Schedule:

A contractor has been selected to complete the scope of work. The work will be completed within 90 days of receiving approval of the project by the Department.

Penalty Offset:

The project's total cost is anticipated to exceed **\$100,000**. This amount greatly exceeds the minimum amount of \$14,447.49 that is specified in the Consent Order.

We appreciate the Department's consideration in this matter. If you should have any questions or require further information, please do not hesitate to contact me at (321) 972-0362 or by email at sjmatteson@uiwater.com.

Sincerely,
UTILITIES INC. OF FLORIDA

A handwritten signature in black ink, appearing to read 'Seyd Matteson', written in a cursive style.

Seyd Matteson
Compliance & Safety Manager

Ec: Gary Rudkin, President
Patrick Flynn, Vice President of Operations
Mike Wilson, Regional Manager
Lee Neal, Area Manager
Kevin O'Neill, Lead Operator, Mid-County



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
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Jeanette Nuñez
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Noah Valenstein
Secretary

December 5, 2019

Patrick C. Flynn
Vice President of Operations
Utilities, Inc. of Florida
200 Weathersfield Ave.
Altamonte Springs, FL 32714
pcflynn@uiwater.com

Re: Executed Consent Order OGC File No. 19-1749
Mid-County WWTP
Facility ID No. FL0034789
Pinellas County

Dear Mr. Flynn:

Enclosed please find the executed Consent Order OGC No. 19-1749 regarding the above referenced facility. The effective date of the Order is the filing date entered by the designated Department Clerk on the signature page.

Should you have any questions, please contact Mr. Lance Kautz at (813) 470-5903, or via e-mail: Lance.Kautz@floridadep.gov. Thank you for your cooperation.

Sincerely yours,

A handwritten signature in blue ink that reads "Mary E. Yeagan".

Mary E. Yeagan, PG
Southwest District Director
Florida Department of Environmental Protection

MEY/lk

Enclosures: Executed Consent Order, OGC File No. 19-1749

cc: Lea Crandall, DEP, Lea.Crandall@floridadep.gov
Lance Kautz, DEP-SWD, Lance.Kautz@FloridaDEP.gov
Erica Peck, DEP-SWD, Erica.Peck@FloridaDEP.gov
Steve Thompson, DEP-SWD, Steve.Thompson@FloridaDEP.gov
Kelley Boatwright, DEP-SWD, Kelley.M.Boatwright@FloridaDEP.gov

Mid-County WWTP

Executed Consent Order OGC File No. 19-1749

Page 2

Seyd Matteson, UI Water, SJMatteson@uiwater.com

Mike Wilson, UI Water, MAWilson@uiwater.com

William Lee Neal, UI Water, wlnéal@uiwater.com

Scotty Haws, UI Water, SLHaws@uiwater.com

John Hoy, UI Water, JPHoy@uiwater.com



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

November 25, 2019

Patrick C. Flynn, Vice President of Operations
Utilities, Inc. of Florida
200 Weathersfield Ave.
Altamonte Springs, FL 32714
pcflynn@uiwater.com

SUBJECT: Department of Environmental Protection v. Utilities, Inc. of Florida,
OGC File No.: 19-1749
Mid-County WWTP - FL0034789

Mr. Flynn:

The State of Florida Department of Environmental Protection ("Department") finds that Mid-County Wastewater Treatment Facility ("Respondent") had a discharge of 85,350 gallons of untreated wastewater to a nearby stream known as Curlew Creek which resulted in a surface water quality violation of Section 403.121 (3)(b), Florida Statutes, and Rule 62-604.130 (1), Florida Administrative Code. Also, the facility failed to submit Public Notices of Pollution for overflows in violation of Section 403.077(2), Florida Statutes. Although there are no further actions required to correct the violation, you remain subject to civil penalties as a result of the violation. You are also responsible for costs incurred by the Department during the investigation of this matter.

The Department's Offer

Based on the violations described above, the Department is seeking \$9,350.00 in civil penalties, \$281.66 in economic benefit, and \$250.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$9,881.66. The civil penalty in this matter includes 4 violations of \$2,000.00 or more.

In lieu of making cash payment of \$9,631.66 in civil penalties as set forth in the above paragraph, Respondent may elect to off-set this amount by implementing an in-kind penalty project, which must be approved by the Department. An in-kind project must

be either an environmental enhancement, environmental restoration or a capital/ facility improvement project. The Department may also consider the donation of environmentally sensitive land as an in-kind project. The value of the in-kind penalty project shall be one and a half times the civil penalty off-set amount, which in this case is the equivalent of at least **\$14,447.49**. If Respondent chooses to implement an in-kind project, Respondent shall notify the Department of its election by electronic mail to Lance Kautz at Lance.Kautz@FloridaDEP.gov within 15 days of the effective date of this Consent Order. **Notwithstanding the election to implement an in-kind project, payment of the remaining \$250.00 in costs must be paid within 30 days of the effective date of the Consent Order.**

If Respondent elects to implement an in-kind project, then Respondent shall comply with all the requirements and time frames in Exhibit A entitled In-Kind Projects.

Respondent's Acceptance

If you wish to accept this offer and fully resolve this pending enforcement matter, please sign this letter and return it to the Department at 13051 North Telecom Parkway, Suite 101, Temple Terrace, FL, 33637-0926 by **December 22, 2019**. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Patrick Flynn:

- (1) acknowledge and waive your right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer;
- (2) acknowledge and waive your right to an appeal pursuant to Section 120.68, F.S.; and
- (3) acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

The Department acknowledges that your acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

Respondent's Performance

After signing and returning this document to the Department,

- (1) Upon signing this letter, you must implement the In-kind Project in accordance with the requirements identified in the attached Exhibit. Your failure to timely start or complete the In-kind Project, or timely provide the Department with the Final Report, will cause the In-kind Project option to be forfeited and the balance of the civil penalty shall be due within 10 days of notice from the Department.

- (2) If you elect to implement the In-kind project, **payment of \$250 for costs and expenses must be paid within 30 days of the effective date of this Order.** If you decide **not** to implement an In-kind Project, the Respondent shall pay the full penalty amount, including costs and expenses, of \$9,881.66 by **January 22, 2020.**

- (3) Make all payments required by this 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 is final and effective filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither you nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than you, whose interests will be substantially affected.

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 Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if you decline to respond to the Department's offer, the Department will assume that you are not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Lance Kautz at 813-470-5903 or at Lance.Kautz@FloridaDEP.gov.

Sincerely,

Kelley M. Boatright for:

Mary E. Yeagan, PG
District Director
Southwest District

FOR THE RESPONDENT:

I, PATRICK C FLYNN [Patrick Flynn], HEREBY ACCEPT THE
TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: *Patrick C Flynn*
[Signature]

Date: 12/2/2019

Title: VICE PRESIDENT
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 4th day of December, 2019, in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Mary E. Yeargan
Mary E. Yeargan, PG
District Director
Southwest District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Marie Hanvey
Clerk

12/5/2019
Date

Attachments: Notice of Rights

Copies furnished to:

Lea Crandall, Agency Clerk
Mail Station 35

Exhibit A

In-Kind Projects

I. Introduction

An in-kind project

a. Within **60 days** of the effective date of this Consent Order, Respondent shall submit, 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.

b. 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, electronically or by certified mail, all requested additional information, clarification, and modifications within 15 days of receipts of written notice.

c. 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 of the matters at issue and submit, 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 the Consent Order, within 30 days of Department notice.

d. Within 120 days of the effective date of this Consent Order, 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, then Respondent shall make cash payment of the civil penalties as set forth in the Consent Order, within 30 days of Department notice.

e. Within 180 days of obtaining Department approval for the in-kind proposal or in accordance with the approved schedule submitted pursuant to paragraph (a) above, Respondent shall complete the entire in-kind project.

f. 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.

g. 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 \$9,631.66 penalty, no additional penalties shall be assessed for failure to complete the requirement of this paragraph.

h. Within 15 days of completing the in-kind project, Respondent shall notify the Department, 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.

i. 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 of the matters at issue and submit, 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 \$9,631.66, no additional penalties shall be assessed for failure to complete the requirements of this paragraph.