

**ST PETERSBURG CITY COUNCIL
ENERGY, NATURAL RESOURCES & SUSTAINABILITY COMMITTEE**

AGENDA

**Meeting of September 21, 2017
11:00 a.m. – Noon – City Hall Room 100**

Members & Alternate: **Chair, Darden Rice; Vice- Chair Steve Kornell;
Karl Nurse, Ed Montanari, Lisa Wheeler-Bowman (Alternate)**

Support Staff: **Sharon Wright**

- A. Call to Order**
- B. Approval of Agenda**
- C. Approval of Minutes (attached)**
 - 1. August 17, 2017**
- D. New/Deferred Business (Final Back Up Materials pending)**
 - 1. FDEP Consent Decree: Pollution Prevention Projects**
- E. Continued Business**
- F. Upcoming Meeting Agenda Tentative Issues**
 - 1. October 19, 2017 10:30 a.m. - noon**
- G. New Business Item Referrals (attached)**
- H. Adjournment**

CITY OF ST. PETERSBURG

ENERGY, NATURAL RESOURCES AND SUSTAINABILITY COMMITTEE MEETING

August 17, 2017

PRESENT: Chair Darden Rice; Vice-Chair Steve Kornell; Karl Nurse, Ed Montanari, Lisa Wheeler-Bowman (Alternate)

ALSO PRESENT: City Administrator Dr. Gary Cornwell, Assistant City Attorney Michael Dema, Finance Director Anne Fritz, Urban Planning and Historic Preservation Manager Derek Kilborn, Senior Energy Efficiency Engineer Lisa Glover-Henderson, Sustainability Manager Sharon Wright and Office Systems Specialist Paul Traci

ABSENT: None.

Chair Rice called the meeting to order at 10:30 a.m. and then undertook a roll call to establish the presence of a quorum. The meeting commenced with the following members present: Ed Montanari, Karl Nurse, Darden Rice and Lisa Wheeler-Bowman. Committee member Nurse moved for approval of the agenda. All were in favor of the motion. Committee member Montanari moved for approval of the July 27, 2017 Committee minutes. All were in favor of the motion.

Sharon Wright gave a presentation to the Committee regarding the Office of Sustainability & Resiliency Brief Updates portion of the agenda. Ms. Wright informed the Committee that information was still being received for the development of the Plastic Bag Ban Ordinance. A survey is being produced and is expected to be sent out in September. The County Vulnerability Work is expected to begin by the end of this year. The contractor for tree plantings is still in the process of getting quotes for trees, and the City's arborist is also getting quotes for a small portion of trees. SELF and FLSUN have agreements that are in process. A workshop will be held in the future regarding PACE issues.

Vice-Chair Kornell entered the meeting at 11:13 a.m.

Derek Kilborn presented a draft Ordinance Review and Public Outreach Plan and a draft agenda for a public kick-off meeting. The outreach plan includes a combination of meetings with the general public and stakeholders. The stakeholders were classified into four different groupings: technical assistants, solar power advocates, energy sector and individuals and entities that represent property owners.

Committee member Nurse requested that information be included about energy efficient mortgages.

Chair Rice inquired if the City could record the meeting for public viewing. Mr. Kilborn stated that he will reach out to St. Pete TV.

Committee member Montanari requested that the pros and cons of the draft Ordinance be included as part of the outreach plan.

Committee member Nurse would like some consideration for shaded properties to avoid cutting down trees, and would like to see meters placed in the common area of multi-family structures.

Ms. Glover-Henderson presented the Energy Efficiency & Retrofits Update. A focus list was presented that included buildings in which audits were performed by Duke Energy and Ms. Glover-Henderson. LED light upgrades, weather stripping on outside doors, air curtains on outside doors, window film and thermal storage among others were presented as energy efficient technologies. Cost estimates and savings for using energy efficient technologies were presented for the North Shore Aquatic Center, Main Library, Fire & Rescue Headquarters, Thomas “Jet” Jackson Recreation Center, J.W. Cate Recreation Center, Gladden Park Recreation Center, Walter Fuller Recreation Center, Mirror Lake Library, Childs Park Recreation Center, Enoch Davis Recreation Center, Fire Station #3 and Azalea Park Recreation Center.

Committee member Nurse discussed the nine years of discussion around this subject and how at times there is only a little money to do a little work. His preference would be to use the confidence in this level of work as representative of the work that could be ongoing in an Energy Efficiency Program; and to get started with a Phase I loan or bond and keep it going within the bounds of the City’s financing abilities.

Chair Rice inquired about how plug, or “vampire” load is addressed in the project list. Ms. Glover-Henderson suggested smart circuit breakers, among other things, be installed to lessen or eliminate “vampire” load. She also stated that retrofitting tends to be expensive.

Committee member Nurse motioned for approval of \$3.25 million for funding the presented list with additional funding being provided as long as simple payback remains at ten years or less.

Committee member Montanari expressed concerns regarding the funding and requested the motion be amended to bring the item back to the Budget, Finance & Taxation Committee. Committee member Nurse stated that he was not comfortable with amending his motion.

Dr. Cornwell reminded Committee Members that overall, there are some unknowns related to the Penny for Pinellas and the Homestead Exemption increase which all could decrease the availability of general funds. He also noted the gap in years 1 and 2 that need to be covered by the general fund until energy savings starts.

Committee member Kornell stated that he supports the idea, but also had concerns about funding.

A roll call was undertaken for Committee member Nurse’s motion.

Ayes. Rice, Nurse. Nays. Kornell, Montanari.

The motion failed.

It was announced that the next ENRS meeting will be held on October 19, 2017.

There being no further business, Chair Rice adjourned the meeting at 12:19 p.m.



MEMORANDUM
City of St. Petersburg ENRS Committee
Meeting of September 21, 2017

To: Chair Darden Rice and ENRS Committee Members

Date: September 18, 2017

Subject: State of Florida Department of Environmental Protection Consent Order:
Pollution Prevention Projects

BACKGROUND

The City of St. Petersburg (City) and the Florida Department of Environment Protection (DEP) executed Consent Order 16-1280, effective July 26, 2017, in resolution of the wastewater discharges into waters of the State during extreme weather events in 2015 and 2016. The consent order outlines the dates and circumstances of the unpermitted discharges and identifies corrective actions to be implemented by the City within established time frames.

The consent order also includes a civil penalty of \$810,000 to be paid to the department. In lieu of paying the \$810,000 penalty, the City has the option to implement a Pollution Prevention (P2) Project. P2 projects are process improvements that reduce the amount of pollution that enters the environment by conserving resources (water, raw materials, and chemicals) or by minimizing waste generation (industrial wastewater, solid and hazardous waste). The P2 Project must reduce pollution or waste within the process beyond what is required by federal, state, or local law to be reviewed and accepted by DEP.

The attached table provides a draft list of projects developed by city staff. It is important to note that projects that can measure waste/pollution reduction may be easier in gaining DEP approval.

ACTION REQUESTED

A completed P2 Project Plan must be submitted within 90 days of the executed consent order, i.e. October 23, 2017. The action requested from the ENRS Committee is to review the draft P2 Project list and provide feedback on project ideas, priorities, or other comments so that the city team may submit the P2 Project Plan to DEP.

MATERIALS/ATTACHMENTS INCLUDED

Included in this package are the following draft deliverables:

- Consent Order OGC File No. 16-1280 with Exhibit 1 P2 Project Plan
- DRAFT Pollution Prevention Project List

Cc: Mayor Rick Kriseman
Gary Cornwell
Tom Greene
Michael Dema
Chan Srinivasa



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway, Suite 101
Temple Terrace, FL 33637-0926

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

July 26, 2017

Mayor Rick Kriseman
Claude Tankersley, P.E.
Water Resources Department
City of St. Petersburg
1650 Third Avenue North
St. Petersburg, FL 33713
Mayor@stpete.org
Claude.Tankersley@stpete.org

Re: Executed Consent Order OGC File No.16-1280
City of St. Petersburg
Facility ID Nos. FLA128848, FLA128821, FLA128856, FLA012881, and FLA128830
Pinellas County

Dear Mayor Kriseman and Mr. Tankersley:

Enclosed please find the executed Consent Order OGC No.16-1280 regarding the above referenced facilities. The effective date of the Consent Order is the filing date entered by the designated Department Clerk on the signature page. Please be aware of the conditions of this Order per paragraphs 6-32.

For inquiries, you may contact CAP Manager Michael Lynch at 813-470-5746, or by email at Michael.Lynch@dep.state.fl.us.

Sincerely yours,

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

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

MEY/



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway, Suite 101
Temple Terrace, FL 33637-0926

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

Enclosure: Executed Consent Order, OGC File No. 16-1268

cc: Ms. Lea Crandall, FDEP/OGC, lea.crandall@dep.state.fl.us
Kirk White, FDEP/OGC, Kirk.White@dep.state.fl.us
Tanski, Michael, FDEP, Michael.Tanski@dep.state.fl.us
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BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT)
OF ENVIRONMENTAL PROTECTION)

IN THE OFFICE OF THE)
SOUTHWEST DISTRICT)

v.)

OGC FILE NO. 16-1280)

CITY OF ST. PETERSBURG)

CONSENT ORDER

This Consent Order (Order) is entered between the State of Florida Department of Environmental Protection (Department) and the City of St. Petersburg (Respondent or City) to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and the Respondent neither admits nor denies the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes (Fla. Stat.), and the rules promulgated and authorized in Title 62, Florida Administrative Code (Fla. Admin. Code). The Department has jurisdiction over the matters addressed in this Order.

2. The Respondent is a municipal corporation in the State of Florida and a person within the meaning of Section 403.031(5), Fla. Stat.

3. The Respondent is the owner and operator of the following wastewater treatment facilities (Facilities) and associated wastewater collection/transmission systems (Systems), as well as the operator of the municipal separate storm sewer systems (MS4) operated under State of Florida Municipal Separate Storm Sewer System NPDES Permit No. FLS000007-004 (MS4 Permit), serving the City of St. Petersburg and other portions of Pinellas County:

Albert Whitted Water Reclamation Facility	601 8 th Ave. S.E.
Northeast Water Reclamation Facility	1160 62 nd Ave. N.E.
Northwest Water Reclamation Facility	7500 26 th Ave. N.
Southwest Water Reclamation Facility	3800 54 th Ave. S.
St. Petersburg Master Reuse System	1650 Third Ave. N.

4. The Facilities are further described as follows:

a. Albert Whitted Water Reclamation Facility (Albert Whitted Facility), a 12.4 million gallons per day (MGD) annual average daily flow (AADF), Type I modified conventional activated sludge domestic wastewater treatment plant. The Albert Whitted Facility is operating pursuant to Wastewater Permit No. FLA128830 (Albert Whitted Facility Permit), issued on June 1, 2017. The Albert Whitted Facility is located at 601 8th Avenue Southeast, St. Petersburg, in Pinellas County, Florida (Albert Whitted Property). The Respondent owns the Albert Whitted Property on which the Albert Whitted Facility is located.

b. Northeast Water Reclamation Facility (Northeast Facility), a 16.0 million gallons per day (MGD) annual average daily flow (AADF), Type I complete-mix activated sludge domestic wastewater treatment plant. The Northeast Facility is operated under Wastewater Permit No. FLA128856 (Northeast Permit), which became effective on June 13, 2016, and will expire on June 12, 2021. The Northeast Facility is located at 1160 62nd Ave Northeast, St. Petersburg, in Pinellas County, Florida (Northeast Property). The Respondent owns the Northeast Property on which the Northeast Facility is located.

c. Northwest Water Reclamation Facility (Northwest Facility), a 20.0 million gallons per day (MGD) annual average daily flow (AADF), Type I, complete mix activated sludge, domestic wastewater treatment plant. The Northwest Facility is operated under Wastewater Permit No. FLA128821 (Northwest Permit), which became effective on September 14, 2015, and will expire on September 13, 2020. The Northwest Facility is located at 7500 26th Avenue North, St. Petersburg, in Pinellas County, Florida (Northwest Property). The Respondent owns the Northwest Property on which the Northwest Facility is located.

d. Southwest Water Reclamation Facility (Southwest Facility), a 20.0 million gallons per day (MGD) annual average daily flow (AADF), Type I, complete mix activated sludge, domestic wastewater treatment plant. The Southwest Facility is operated under Wastewater Permit No. FLA128848 (Southwest Permit), which became effective on June 29, 2015, revised on July 29, 2015, and will expire on June 28, 2017. The renewal application for the Southwest Permit is currently pending before the Department. The Southwest Facility is located at 3800 54th Avenue South, St. Petersburg, in Pinellas County, Florida (Southwest Property). The Respondent owns the Southwest Property on which the Southwest Facility is located.

e. St. Petersburg Master Reuse System (St. Petersburg Reuse), a 56 million gallons per day (MGD) annual average daily flow (AADF), Part III slow-rate public access master reuse system. The St. Petersburg Reuse is operated under Wastewater Permit No. FLA012881 (St. Petersburg Permit), which became effective on April 11, 2013, and will expire on April 10, 2023. The St. Petersburg Reuse is located city-wide with offices at 1650 3rd Avenue North, St. Petersburg, in Pinellas County, Florida (St. Petersburg Property).

5. The Department makes the following findings of fact and conclusions of law to which the Respondent neither admits nor denies:

a. Beginning in July 25, 2015, and continuing through August 22, 2015 several weather systems moved into and stalled over the State of Florida bringing heavy rainfall, strong winds, tidal surge, record river flood staging, flash floods and heavily saturated ground.

b. From August 2, 2015 through August 10, 2015, unpermitted discharges of wastewater and effluent from several of the Facilities and Systems into waters of the State and/or into adjacent canals, ditches and ponds that are connected to waters of the State occurred. These unpermitted discharges resulted in the release of approximately 31.5 million gallons of untreated wastewater and effluent. The Respondent reported these discharges to the Department.

c. On August 6, 2015, Governor Rick Scott issued Executive Order Number 15-158, declaring a State of Emergency for Severe Weather and Flooding in Five Counties, which included Dixie, Hillsborough, Pasco, Pinellas and Taylor Counties. Section 3 delegates Local Government Agencies the authority to waive or deviate from their respective rules, ordinances, or orders.

d. On June 6, 2016, Governor Rick Scott issued Executive Order Number 16-136, declaring a State of Emergency for Tropical Storm Colin, which included 34 counties including Pinellas County. Section 4 authorizes some State, regional and local agencies and other governmental bodies, in responding to the emergency, to waive or deviate from the statutes, rules ordinances, and orders they administer.

e. From June 6, 2016 through June 9, 2016, unpermitted discharges of wastewater and effluent from several of the Facilities and Systems into waters of the State and/or into adjacent canals, ditches and ponds that are connected to waters of the State occurred. These unpermitted discharges resulted in the release of approximately 230,000 gallons of untreated wastewater and effluent through overflows at manholes and 9.77 million gallons of partially treated

wastewater through the emergency outfall at Albert Whitted Facility. The Respondent reported these discharges to the Department.

f. On August 31, 2016 Governor Rick Scott issued Executive Order Number 16-205, declaring a State of Emergency for Tropical Depression #9, which included 42 counties (expanded to 51 counties), which included Pinellas County. Section 4 authorizes some State, regional and local agencies and other governmental bodies, in responding to the emergency, to waive or deviate from the statutes, rules ordinances, and orders they administer.

g. From August 31, 2016 through September 13, 2016, unpermitted discharges of wastewater and effluent from several of the Facilities and Systems into waters of the State and/or into adjacent canals, ditches and ponds that are connected to waters of the State occurred. These unpermitted discharges resulted in the release of an unknown volume of untreated wastewater and effluent through overflows at manholes and lift stations; and between 78 and 93 million gallons of partially treated wastewater through the emergency outfall at the Albert Whitted Facility; and 58 million gallons of partially treated effluent from the Northwest Facility to adjacent properties to the south and into Jungle Lake to the north. Additionally, 220.51 million gallons of partially treated effluent was disposed into the deep injection wells at the Northwest Facility and 561 million gallons of partially treated effluent was disposed into the deep injection wells at the Southwest Facility. The Respondent reported these discharges to the Department. An attempt was made to open an outfall to Boca Ciega Bay that was not successful and resulted in less than 1000 gallons of discharge from two manholes on 26th Avenue N, adjacent to the Northwest Facility. The Respondent reported this discharge to the Department.

h. Other unpermitted discharges and/or discharges in violation of Respondent's MS4 Permit, occurring between 2011 and 2016, from several of the Facilities and Systems were reported to the Department by the Respondent and were considered by the Department and resolved by this Consent Order.

i. The facts contained in paragraphs 5b, 5e, 5g and 5h constitute violations by the Respondent of Fla. Admin. Code R. 62-600.410(1) and (3), 62-604.130(1) and, 62-604.130(4), as well as Section 403.161(1)(b) Fla. Stat.

Having reached a resolution of the matter, Respondent and the Department mutually agree and it is **ORDERED**:

6. Respondent shall comply with the following corrective actions within the stated time periods:

a. No later than February 1, 2018, design and complete a “splitter box” to bypass headworks and provide disc filters to the Southwest Facility to increase peak capacity. No later than September 30, 2019, complete construction on the Southwest Facility’s treatment improvements to increase its maximum daily treatment capacity (SW Construction). SW Construction shall include but not necessarily be limited to improvements of the headworks and screening capacity; addition of a fourth secondary clarifier; additional effluent dual media filters and/or conversion to an alternate filtration technology; addition of a third chlorine contact basin; additional effluent pumps; additional and sufficient piping modifications to handle additional flow; and

b. No later than February 28, 2018, complete construction of at least one of the two new injection wells at the Southwest Facility (SW Injection); No later than September 30, 2017, complete design and permitting for the SW Injection; No later than October 31, 2017, advertise for the construction of the SW Injection; and

c. No later than February 28, 2018, complete construction of the new effluent filter at the Northwest Facility (NW Effluent Filter); No later than January 2017 begin design NW Effluent Filter; No later than October 31, 2017, begin construction of NW Effluent Filter; and

d. No later than February 28, 2018, complete construction of a new injection well at the Northwest Facility (NW Injection); No later than September 30, 2017 complete design and permitting for the NW Injection; No later than October 31, 2017 advertise for the construction of the NW Injection; pumping upgrades shall be made to increase pressure at the new well(s) and;

e. On June 1, 2018, Respondent shall submit to the Department a status update on the Integrated Water Resources Master Plan for evaluating current and future capabilities of Respondent’s Facilities and Systems referenced in paragraph 3 and 4. No later than December 31, 2019, Respondent shall complete and submit to the Department the Integrated Water Resources Master Plan which will provide for 1) modelling of the Facilities and Systems to determine the Facilities required to meet the planned level of service; 2) a long term Capital Improvement Plan for implementing identified potable water, reclaimed water, stormwater, and wastewater projects; 3) an

assessment of needs to optimize and prioritize the investment into the System to maximize the benefits to meet environmental compliance and City needs; 4) Integrated plan to provide funding for the construction and processes to manage stormwater and wastewater projects; 5) a plan that incorporates the findings of the Flow Mitigation Report referenced below, to provide for the priority and schedule for further projects and management to reduce stormwater inflow and infiltration into the Systems; and 6) identify the necessary annual level of maintenance and capital expenditure necessary to properly maintain the Systems in the long term; and

f. As part of the Integrated Water Resources Master Plan, Respondent shall include a conclusion, with justification, whether Respondent should reopen the Albert Whitted Facility. If Respondent concludes it should reopen the Albert Whitted Facility, Respondent shall provide a timeline with associated measures required to reopen. If Respondent concludes it should not reopen the Albert Whitted Facility, then Respondent shall include a plan for providing alternative replacement capacity; and

g. No later than December 31, 2018, submit the final report of Respondent's Wet Weather Flow Mitigation Program (Flow Mitigation Report). The Flow Mitigation Report at a minimum shall provide the results of the flow monitoring study, a ranking of basins and the results of the inflow and infiltration (I/I) study, and identify all areas within the Systems in need of replacement or rehabilitation. No later than December 31, 2016, Respondent shall complete first collection cycle of field data. No later than December 31, 2017, Respondent shall complete second collection cycle of field data. No later than October 31, 2018, Respondent shall complete data evaluation and update the hydraulic model. No later than December 31, 2018, Respondent shall use the hydraulic model to simulate a stress test of the Systems and submit the Flow Mitigation Report to the Department; and

h. As presented to the St. Petersburg City Council on October 20, 2016, the City has committed to spending \$14 million per year (adjusted on an annual basis starting on July 1, 2018, by the United States Government Bureau of Labor Statistics, CPI for All Urban Customers: Water and Sewage Maintenance) on pipe and lateral lining and replacement (including private laterals as determined appropriate by the City), and manhole rehabilitation (collectively Maintenance) for at least the next five years. In addition to this five year commitment, the City shall as part of the Integrated Water Resources Master Plan identify the necessary annual level of Maintenance and

capital expenditure necessary to properly maintain the Systems in the long term. The Integrated Water Resource Master Plan shall include the review and consideration of the I/I reduction data that is currently being gathered by the City's consultants in establishing the annual level of Maintenance and capital expenditures necessary to continue reduce I/I within the wastewater collection system. The Maintenance shall target the areas of greatest I/I first. No later than January 31, 2022, the City shall (i) complete the Maintenance in the targeted collection system areas as recommended in the Flow Mitigation Report and in accordance with the annual funding commitments made herein and (ii) pass an ordinance regarding the replacement of private laterals that contribute to I/I to the City's Systems; and

i. No later than April 30, 2017, renew existing manhole rehabilitation contract and finish year 2 of existing cured in place pipe (CIPP) mainline sewer lining contract; No later than April 30, 2017, renew existing CIPP mainline sewer lining contract; No later than June 30, 2017, award a second CIPP mainline sewer and public laterals lining contract; and

j. Beginning 30 days from the effective date of this Order and continuing semiannually thereafter, the Respondent shall submit a written report (Implementation Report) to the Department summarizing the status of implementing paragraphs 6a through 6i and proposing any modifications deemed essential to minimize wastewater overflows from the Systems and Facilities (i.e. the Implementation Report shall be due on January 28 and July 28 each year during the pendency of this Order). Any modifications are subject to Department approval. The Implementation Report shall also include a projection of the work to be performed during the following year.

7. Upon the effective date of this Order, Respondent shall report to the Department all unpermitted wastewater and effluent discharges from the Systems and the Facilities as soon as possible, but within 24 hours from the time the Respondent becomes aware of the discharge, as required by 62-604.550 and 62-620.610(20) Fla. Admin. Code R., respectively.

8. No later than December 31, 2017, complete and submit to the Department a Water Quality Monitoring Assessment Report providing for 1) the identification of the public use of recreational waters in and around the area(s) of the potential wastewater discharge to such waters; 2) the evaluation of effectiveness of the existing monitoring program to detect changes to receiving water bodies and provide recommendations for baseline, wet weather condition, and compliance testing frequency, parameters and process; 3) the analysis of the need for soil testing at potential

wastewater discharge outfalls; 4) the identification of any water quality data gaps in existing monitoring to ensure adequate coverage for determining the effects of any wastewater discharge to the water body; 5) the creation of a Water Quality Report Card to be published on the Respondent's website and distributed to the public. By April 30, 2018, Respondent shall update its Capacity, Management, Operation, and Maintenance (CMOM) Program for its Systems. This shall be done in accordance with USEPA document 305-B-05-002, dated January 2005, and shall contain an updated Sanitary Sewer Overflow Response Plan, which in turn, shall contain detailed provisions for environmental monitoring derived from the Water Quality Monitoring Assessment Report. The Respondent will also include a detailed section in the CMOM on public notification providing for posting of signage within 24 hours of a wastewater discharge at or near recreational waters identified in the Water Quality Monitoring Assessment Report and the method for public notification within 24 hours of wastewater discharges to Waters of the State to Respondent's website, social media and other media outlets.

9. In any event, by December 31, 2022, and thereafter, the Facilities and Systems shall be in compliance with all Department rules that are the subject of this Consent Order.

10. Within 90 days of the effective date of this Order, Respondent shall submit a written estimate of the total cost of the corrective actions required by this Order to the Department. The written estimate shall identify the information the Respondent relied upon to provide the estimate.

11. Within 60 days of the effective date of this Order, Respondent shall pay the Department \$10,000.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order.

12. Respondent agrees to pay to the Department stipulated penalties in the amount of \$1,000.00 per day for each day Respondent fails to comply with paragraphs 6 through 9, 16 through 18 and 32 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall do so as further described in paragraph 19, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this 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 this Order or any other provision of law in an amount greater than the stipulated penalties under this paragraph.

13. For any discharge of wastewater from any of Respondent's Facilities or Systems through a point source not permitted in any NPDES permit, as well as any overflow, spill or release of wastewater to public or private property from any of Respondent's Facilities or Systems (Discharge), Respondent agrees to pay to the Department stipulated penalties as follows:

a.	<u>Amount per day per Discharge</u>	<u>Discharge Volume</u>
	\$500.00	up to 5,000 gallons
	\$1,000.00	5,001 to 10,000 gallons
	\$2,500.00	10,001 to 25,000 gallons
	\$5,000.00	25,001 to 100,000 gallons
	\$10,000.00	more than 100,000 gallons

b. Under this paragraph, the term "day" shall mean each successive 24-hour period after the commencement of the Discharge. Each Discharge shall be considered to have ceased when the Discharge has ceased. The Department will evaluate each Discharge on a case-by-case basis and the Department may decide at its sole discretion not to collect or demand a penalty. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall do so as further described in paragraph 19, below. On an assessed penalty under this paragraph, the Respondent may elect to off-set the penalty amount by implementing a Department approved Pollution Prevention (P2) Project. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order.

c. Respondent shall not be liable for stipulated penalties under paragraph 13 above if Respondent demonstrates that the Discharge was caused by an Act of God, vandalism, a non-Respondent contractor, or any act of a third party not working directly or indirectly on behalf of Respondent and Respondent demonstrates that it has used all reasonable measures to prevent such Discharge.

d. 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 this Order or any other provision of law in an amount greater than the stipulated penalties under this paragraph.

14. Within 30 days after the effective date of this Order, Respondent shall pay to the Department \$810,000.00 as a civil penalty for the violations in paragraph 5.

15. In lieu of making cash payment of \$810,000.00 in civil penalties as set forth in Paragraph 14, Respondent may elect to off-set the amount of \$810,000.00 by implementing a Pollution Prevention (P2) Project, which must be approved by the Department. P2 is a process improvement that reduces the amount of pollution that enters the environment; by conserving resource (including water, raw materials, chemicals, and energy) use, or by minimizing waste generation (including domestic and industrial wastewater, solid and hazardous waste, and air emissions). A P2 Project must reduce pollution or waste within the process beyond what is required by federal, state, or local law, to be eligible for civil penalty offset under this Order. If Respondent chooses to implement a P2 Project, Respondent shall notify the Department of its election by certified mail within 30 days of the effective date of this Order.

16. If Respondent elects to implement a P2 Project as provided in Paragraph 15, Respondent shall submit a completed P2 Project Plan (Plan) within 90 days of the effective date of this Order. The Plan must be completed using Exhibit 1, "P2 Project Plan" template.

17. In the event the Department requires additional information to process the Plan described in Paragraph 15, Respondent shall provide a modified Plan containing the information requested by the Department within 30 days of the date of the request.

18. If any balance remains after the entire P2 credit is applied to the allowable portion of the civil penalty, Respondent shall pay the difference within 30 days of written notification by the Department to Respondent that the balance is due.

19. Respondent shall make all payments required by this Order by cashier's check, money order, City check or on-line payment. Cashier's check, money order, or City check 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: <http://www.fldepportal.com/go/pay/>. It will take several days after this order is final and effective filed with the Clerk of the Department before ability to make online payment is available.

20. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Kelley Boatwright (KelleyBoatwright@dep.state.fl.us) Department of Environmental Protection, Southwest District Office, 13051 N. Telecom Parkway, Temple Terrace, Florida 33637-0926.

21. Respondent shall allow all authorized representatives of the Department access to the Facilities and the properties referenced in paragraphs 3 and 4 at reasonable times for determining compliance with the terms of this Order and the rules and statutes administered by the Department.

22. 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 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.

23. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this 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 Order. This waiver is conditioned upon Respondent's complete compliance with all the terms of this Order.

24. This Consent Order covers all SSOs and discharge violations, including unpermitted discharges and any discharges in violation of Respondent's MS4 Permit, that occurred from any of

Respondent's Facilities or Systems and that were known by the Department as of the effective date of this Consent Order.

25. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This 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 Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

26. 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 Order.

27. Respondent is fully aware that a violation of the terms of this Consent Order may subject Respondent to judicial imposition of damages, civil penalties up to \$10,000.00 per day per violation, and criminal penalties.

28. Respondent acknowledges and waives its right to an administrative hearing pursuant to Sections 120.569 and 120.57, Fla. Stat., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to Section 120.68, Fla. Stat.

29. 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.

30. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Fla. Stat. Failure to comply with the terms of this Order constitutes a violation of Section 403.161(1)(b), Fla. Stat.

31. This Order is a final order of the Department pursuant to Section 120.52(7), Fla. Stat., 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, Fla. Stat. Upon the timely filing of a petition, this Order will not be effective until further order of the Department.

32. 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 15 days of the effective date of this 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 CONSENT ORDER

The Department of Environmental Protection ("Department") gives notice of agency action of entering a Consent Order with the City of St. Petersburg, pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses alleged unpermitted wastewater and effluent and stormwater discharges from the City's stormwater facilities and wastewater reclamation facilities and associated wastewater collection/transmission systems to State waters, and the implementation plan to minimize further discharges. The 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, Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926.

Persons who are not parties to this 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 Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

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

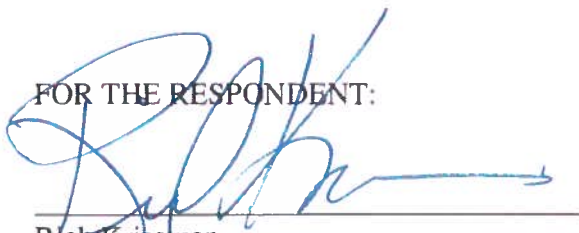
- a) The OGC Number assigned to this Consent Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- d) A statement of when and how the petitioner received notice of the 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 Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the 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 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 District Office at Florida Department of Environmental Protection, Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926. 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 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.

33. Rules referenced in this Order are available at <http://www.dep.state.fl.us/legal/Rules/rulelist.htm>.

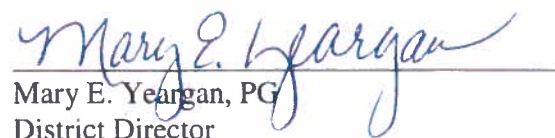
FOR THE RESPONDENT:



Rick Kriseman
Mayor
City of St. Petersburg

DONE AND ORDERED this 24th day of July, 2017 in Hillsborough County, Florida.


STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Mary E. Yeargan, PG
District Director

DEP vs. City of St. Petersburg
Consent Order, OGC No. 16-1280
Page 15 of 15

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


Clerk


Date

Attachments: Exhibit 1: P2 Project Plan

Copies furnished to:
Lea Crandall, Agency Clerk, Mail Station 35
DW_CO (REV. 06/09)

Exhibit 1

P2 Project Plan (Plan)

(Note: Provide the information specified and delete existing text within parentheses)

(Facility Name)

(Address)

(Telephone)

(Preparer Name/Title)

A. Project Description: (Summarize P2 Projects selected. Describe the processes or operations to be modified, and the specific changes to be made. Include details such as the specific equipment to be installed, materials to be substituted, and the actual changes to be made to processes or operations. Include manufacturer or vendor information, and specifications.)

B. Environmental and Economic Benefits: (Explain why and how each Project proposed constitutes P2).

Specify how each material, chemical, water and energy is saved, and from which processes or operations. Specify how each solid and hazardous waste, industrial wastewater and air emissions are generated, the waste type, and from which processes or operations. **Describe generally in paragraph format.**

Estimate the *annual* savings in *resources* - raw materials, chemicals, water, and energy at the process or operation front end. Estimate the *annual* reductions in *wastes* - solid and hazardous waste, wastewater, and air emission reductions at the process or operation back end.

Figures quoted should represent weights or volumes annually, and should be equalized for production rate changes. Associated cost savings should be included. **Describe specifically using the tables provided.**

Complete the first table for each per Project individually. Add or average corresponding figures from each Project table to complete the Plan table, *for multiple Projects.*)

<i>(Project Name)</i>							
Annual Resource Consumption Comparison							
Item	Quantity Used (gal/lb/kwh-specify)			Purchasing Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Water							
Chemicals							
Materials							
Energy							

Total Annual Cost Savings =							
Annual Waste Generation Comparison							
Item	Quantity Generated (gal/lb/tons-specify)			Disposal Cost (\$)			Percent (%)
	Before	After	Reduction	Before	After	Reduction	Reduction
Hazardous Waste							
Industrial Wastewater							
Solid Waste							
Air Emissions							
Total Annual Cost Savings =							
Total Annual Avoided Cost Savings =							

<i>Summary of All P2 Projects</i>							
Annual Resource Consumption Comparison							
Item	Quantity Used (gal/lb/kwh-specify)			Purchasing Cost (\$)			Percent (%)
	Before	After	Reduction	Before	After	Reduction	Reduction
Water							
Chemicals							
Materials							
Energy							
Total Annual Cost Savings =							
Annual Waste Generation Comparison							
Item	Quantity Generated (gal/lb/tons-specify)			Disposal Cost (\$)			Percent (%)
	Before	After	Reduction	Before	After	Reduction	Reduction
Hazardous Waste							
Industrial Wastewater							
Solid Waste							
Air Emissions							
Total Annual Cost Savings =							
Total Annual Avoided Cost Savings =							

C. **Project Cost:** (Include per Project the itemized, subtotal and Project total costs. A projected payback period in months or years needs to be included.)

Provide a grand total cost for all Projects and an averaged projected payback period, *for multiple Projects. Use list or table format for all.*)

D. **Implementation Schedule:** (Provide a brief discussion of the steps necessary to implement the Projects and expected time frames for completion. A table or list format is preferred. The schedule shall include a list of milestones with dates, or timeframes based

on Plan approval date, including Progress and Final Report submittals. Provide a description of any anticipated problems and options. *The implementation should take no longer than six months to complete.*)

E. Project Reporting:

1. Within 90 days of approval of the Project Plan, the Respondent shall submit a P2 Project Progress Report to the Department that describes the Respondent's progress in implementing the P2 Project and meeting the requirements in the Plan, and includes a list of equipment ordered, purchased, and/or installed.
2. Within 180 days of approval of the Plan, the Respondent shall submit to the Department a P2 Project Final Report that includes the following.
 - a. A confirmation that the information presented in Sections A-C of the Summary is unchanged, or an updated version with the sections changed appropriately. A statement that the Project(s) was/were implemented successfully. An explanation of any problems encountered and corrections applied.
 - b. Attached expense reports, receipts, purchasing instruments and other documents itemizing costs expended on preparing and implementing the Project.
3. The Department shall review the Final Report and determine:
 - a. Whether the project was properly implemented; and
 - b. Which expenses apply toward pollution prevention credits.
4. A \$1.00 pollution prevention credit for each \$1.00 spent on applicable costs will be applied against the portion of the civil penalty that can be offset.
 - a. The following costs are allowable to offset the allowable amount of the civil penalty:
 - i. Preparation of the P2 Project;
 - ii. Design of the P2 Project;
 - iii. Installation of equipment for the P2 Project;
 - iv. Construction of the P2 Project;
 - v. Testing of the P2 Project;
 - vi. Training of staff concerning the implementation of the P2 Project; and
 - vii. Capital equipment needed for the P2 Project.
 - b. The following costs shall not apply toward P2 credit:
 - i. Costs incurred in conducting a waste audit;
 - ii. Maintenance and operation costs involved in implementing the P2 Project;
 - iii. Monitoring and reporting costs;
 - iv. Salaries of employees who perform their job duties;
 - v. Costs expended to bring the facility into compliance with current law, rules and regulations;
 - vi. Costs associated with a P2 Project that is not implemented;
 - vii. Costs associated with a P2 Project that has not been approved by the Department; and
 - viii. Legal costs.
 - c. If any balance remains after the entire P2 credit is applied to the allowable portion of the civil penalty, Respondent shall pay the difference within 30 days of written notification by the Department to the Respondent that the balance is due.

5. The Department may terminate the P2 Project at any time during the development or implementation of it, if the Respondent fails to comply with the requirements in this document, act in good faith in preparing and implementing the project, or develop and implement the P2 Project in a timely manner. The Respondent may terminate the P2 Project at any time during its development or implementation.

**ENERGY, NATURAL RESOURCES & SUSTAINABILITY (ENRS)
PENDING / CONTINUING REFERRALS**

9-21-2017

TOPIC	DATE REFERRED	REFERRED BY	RETURN DATE	STAFF RESPONSIBLE	SPECIAL NOTES
City-wide Green Fleets Initiative & Ordinance or Policy	4/7/2016	Rice	Nov/Dec. 2017	Sharon Wright & Brandy Colandrea	Working group meetings held 6/9/2017 and 7/21 to date. Anticipate 2-3 months for draft policy.
Staff set up a mechanism to capture energy savings to be re-invested in additional energy efficiency projects. Review Green Bond option.	9/15/2016 – updated 11/3/2016	Nurse	BFT TBD 2017	Sharon Wright Claude Tankersley	Recommendations for phase 1 energy efficiency improvements presented August; additional financing options under development for BFT review date TBD.
Evaluation of the merits and budget considerations of utilizing an ICLEI Membership	5/7/15	Rice	2017	Sharon Wright	Integrated Sustainability Action Plan (ISAP) final execution August 2017; Internal kick off postponed. Methodology drafted within 60 days.
Evaluate draft ordinance requiring new development and substantial redevelopment projects to maximize solar PV, based on San Francisco and South Miami examples.	5/25/2017 (ENRS) 6/1/2017 (City Council)	Kornell	Complete	Dave Goodwin Derek Kilborn Sharon Wright Michael Derma	New business item pending to postpone further outreach and development for at least one year.