

Resolution No. 2024-3252

A Resolution of the City of Sanford, Florida, amending the City's annual operating budget for the fiscal year beginning October 1, 2023 and ending September 30, 2024; providing for implementing administrative actions; providing for a savings provision; providing for conflicts; providing for severability and providing for an effective date.

Whereas, the Commission of the City of Sanford, Florida has adopted an annual operating budget for the fiscal year beginning October 1, 2023 and terminating on September 30, 2024 specifying certain projected revenues and expenditures for the operations of Sanford municipal government; and

Whereas, the City's budget presumes that each department generally will, to the best of their ability, maintain its expenditures within its allocated budgeted level and exercise prudence in expending funds during the course of the City's fiscal year; and

Whereas, from time-to-time circumstances and events may require that the original City budget may need revision; and

Whereas, the City Commission, in its judgment and discretion, has the authority to adjust the budget to more closely coincide with actual and expected events.

Now, therefore, be it adopted and resolved by the City Commission of the City of Sanford, Florida as follows:

Section 1. Adoption of Budget Amendment.

The annual operating budget of the City of Sanford for the fiscal year beginning October 1, 2023 and terminating on September 30, 2024 is hereby revised and amended by Attachment "A". The Attachment is hereby incorporated into this Resolution as if fully set forth herein verbatim. Except as amended herein, the annual operating budget for the City of Sanford for fiscal year beginning October 1, 2023 and

terminating on September 30, 2024 shall remain in full force and effect.

Section 2. Implementing administrative actions.

The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Resolution by means of such administrative actions as may be deemed necessary and appropriate.

Section 3. Savings.

The prior actions of the City of Sanford relating to the adoption of the City budget and related activities are hereby ratified and affirmed.

Section 4. Conflicts.

All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed.

Section 5. Severability.

If any section, sentence, phrase, word, or portion of this Resolution is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Resolution not otherwise determined to be invalid, unlawful, or unconstitutional.

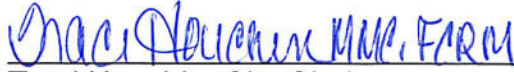
Section 6. Effective Date.

This Resolution shall become effective immediately upon enactment.

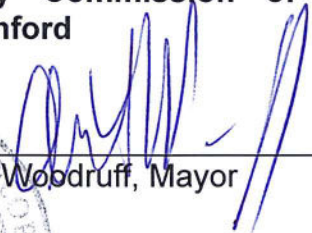
Passed and adopted this 10th day of June 2024.

Attest:

City Commission of the City of
Sanford




Traci Houchin, City Clerk


Art Woodruff, Mayor

For use and reliance of the Sanford
City Commission only.
Approved as to form and legality.




William L. Colbert, City Attorney

ACA
for

ATTACHMENT A REQUEST FOR BUDGET AMENDMENT

Fiscal Year 2024
Department: PW-UTILITIES

Division: PLANTS

6.5.2024

CHANGES IN REVENUES

REVENUE ACCOUNT NUMBER						Current	Current	Amount of	Adjusted
Fund	Revenue	Act Cd	Ele	Project #	Revenue Account Title	Budget	Balance	Change	Unrealized
451	0000	381	45	20	Utility O&M Fund/WW Cap	\$ -	\$ -	\$ 128,000	
TOTAL CHANGES IN REVENUES								\$ 128,000	

CHANGES IN EXPENDITURES

EXPENDITURE ACCOUNT NUMBER						Current	Current	Amount of	Remaining	
Fund	Dpt/Div	Activity	Obj	Ele	Project #	Expenditure Account Title	Budget	Balance	Change	Balance
452	7979	581	91	45		Intragovernmental Transfer/W/S Utility	\$ -	\$ -	128,000	128,000
452	4527	536	63	00	WW1601	IMPROVE OTHER THAN BLDG	\$ 14,757,261	1,252,689	(128,000)	14,629,261
451	4520	536	49	00	UFINES	OTHER CHARGES/OBLIGATIONS	\$ 27,925	2,341	128,000	155,925
TOTAL CHANGES IN EXPENDITURES								\$ 128,000		

REASON FOR AMENDMENT: FDEP CHECK REQUEST CONSENT ORDER OGC FILE NO. 22-0456 & 24-1290

DIRECTOR APPROVAL: *Brynt Johnson*
Brynt Johnson (Jun 6, 2024 11:20 EDT)

DATE: 06/06/2024

FINANCE APPROVAL: *Cynthia Lindsay*

DATE: 06/06/2024

CITY MANAGER APPROVAL: *Craig M. Redford*

DATE: 06/06/2024

CITY COMMISSION AGENDA DATE: 6.10.2024

APPROVED Y

FOR FINANCE USE

Entry Date: _____

Batch Number: _____

Document #: _____



CITY OF
SANFORD
FLORIDA



APPROVED

WS __ RM X

Item No. 8.H

**CITY COMMISSION MEMORANDUM 24-160 [ADD-ON ITEM]
JUNE 10, 2024 AGENDA**

TO: Honorable Mayor and Members of the City Commission
PREPARED BY: Richard Casella, Utility Plants Manager
SUBMITTED BY: Norton N. Bonaparte, Jr., ICMA-CM, City Manager
SUBJECT: Budget Amendment; Payment of FDEP Stipulated Penalties OGC File No. 24-1290/Amended OGC File No. 22-0456; Resolution No. 2024-3252; \$127,763.35

STRATEGIC PRIORITIES:

- Unify Downtown & the Waterfront
- Promote the City's Distinct Culture
- Update Regulatory Framework
- Redevelop and Revitalize Disadvantaged Communities

SYNOPSIS:

Approval by the City Commission of Resolution No. 2024,2024-3252 to amend the budget in the amount of \$127,763.35 to increase the Utilities, Other Charges/Obligations account and issue payment to the Florida Department of Environmental Protection (FDEP) for the stipulated penalties in regard to Consent Order OGC File No. 24-1290 and Amended OGC File No. 22-0456 is being requested together with associated implementing actions.

FISCAL/STAFFING STATEMENT:

The stipulated penalties total \$127,763.35. Funds available in the 2024 Capital Replacement Fund in the Fiscal Year 2023/2024 budget.

BACKGROUND:

The City has been cited for various violations under Consent Order OGC File No. 24-1290 and additional violations under Consent Order OGC File No. 22-0456 by the FDEP for stipulated penalties. FDEP assessed the penalties due to a significant amount of non-compliance violations pursuant to Section 403.161(1)(a) and (b), *Florida Statutes*, and Rules 61-604.13(1) and 62-620.30(5), *Florida Administrative Code*, based on the prevention not to "cause pollution so as to harm or injure human health or welfare, animal, plant or aquatic life or property" and also "to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the department pursuant to its lawful authority". The violations represent a significant non-compliance with Rule 62-302.530(6)(b), *Florida Administrative Code*, based on data provided to the FDEP exceeding the surface water quality standards for Class III fresh water (a 410 MPN/100 mL limit).

The FDEP recommended the City pay a total of \$828,433 in civil penalties. The City has the option to off-set the penalty amount by implementing a pollution prevention (P2) project or an in-kind project. A P2 project is where the City can elect to implement a process improvement that reduces the amount of pollution that enters the environment; by conserving resource use, or by minimizing waste generation. With the election of implementation of P2 projects the City will be required to pay the reduced amount of \$127,763.35. Additionally, FDEP has requested the City submit an evaluation conducted by a professional engineer of the entire collection transmission system, develop and implement a Collection System Action Plan, and develop and submit an Operation and Maintenance Performance Report, among other things, as referenced in the consent orders.

LEGAL REVIEW:

The Assistant City Attorney has reviewed this matter and expressed no legal objection.

RECOMMENDATION:

City staff recommends that the City Commission approve Resolution No. 2024-3252, to amend the budget in an amount not to exceed \$127,763.35 to increase the Utilities, Other Charges/Obligations account and authorize payment in the amount of \$127,763.35, as well as approving the implementation of the Consent Orders.

SUGGESTED MOTION:

“I move to approve Resolution No. 2024-3252 and authorize all actions, as proposed.”

- Attachments: (1.) Consent Order OGC File No. 24-1290.
(2.) Amended Consent Order OGC File No. 22-0456.
(3.) Check Request.
(4.) Resolution No. 2024-3252 – Budget Amendment.



FLORIDA DEPARTMENT OF Environmental Protection

Central District Office
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

June 4, 2024

Art Woodruff, Mayor
City of Sanford
300 N. Park Avenue
Sanford, Florida 32771-1244
art.woodruff@sanfordfl.gov

Re: Sanford North WRF
DW Facility ID #FL0020141
Sanford South WRF
DW Facility ID #FLA181714

OGC Case No: 24-1290
Seminole County

Dear Mr. Woodruff:

Enclosed is a Consent Order ("Order") prepared by the Department for resolution of the referenced enforcement case. Please review this document and by July 1, 2024, return a signed copy to the Department. Once fully executed, a copy of the final document will be forwarded to you.

Should you have any questions or comments, please contact Nathan Hess at 407-897-4140 or via e-mail at Nathan.Hess@FloridaDEP.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Watkins".

Aaron Watkins, Director
Central District

Enclosures: Long Form Consent Order, Exhibits 1 and 2

cc: Norton Bonaparte, City of Sanford, Norton.Bonaparte@Sanfordfl.gov
Brynt Johnson, City of Sanford, brynt.johnson@sanfordfl.gov
FDEP: David Smicherko, Jenny E. Farrell

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT))	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION))	CENTRAL DISTRICT
)	
v.))	OGC FILE NO. 24-1290
)	
CITY OF SANFORD))	
_____))	

CONSENT ORDER

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

The Department finds and Respondent admits 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 (F.S.), and the rules promulgated and authorized in Title 62, Florida Administrative Code (F.A.C.). The Department has jurisdiction over the matters addressed in this Order.
2. Respondent is a person within the meaning of Section 403.031(5), F.S.
3. Respondent is the owner and is responsible for the operation of the Sanford North Water Reclamation Facility and associated collection/transmission system (North Facility), a 7.3 million gallon per day (MGD) annual average daily flow (AADF) domestic wastewater treatment plant, utilizing the Integrated Fixed-Film Activated Sludge Process (IFAS) Biological Nutrient Removal (BNR) process and consisting of influent screening, grit removal, a 4-stage BNR system, secondary clarification, chemical feed, tertiary filtration, and two Actiflo treatment trains with a total design capacity of 8.0 MGD AADF, high level disinfection, followed by dechlorination prior to surface water discharge, with third-party, off site treatment and disposal of biosolids, and a 1.0 MGD AADF surface water discharge to the St. Johns River or discharge to a 13.368 MGD AADF slow-rate public access reuse distribution

system shared by the Sanford South WRF. The North Facility is operated under Wastewater Permit No. FL0020141 (Permit), which was issued on October 6, 2020 and will expire on October 5, 2025. The Facility is located at 1201 West Seminole Boulevard, Sanford, in Seminole County, Florida (Property). Respondent owns the Property on which the North Facility is located.

4. Respondent is the owner and is responsible for the operation of the Sanford South Water Resource Center and associated collection/transmission system (South Facility), a 3.0 million gallons per day (MGD) annual average daily flow (AADF) domestic wastewater treatment plant, utilizing the Integrated Fixed-Film Activated Sludge Process (IFAS) consisting of influent screening, grit removal, advanced secondary treatment using the Continuous Sequencing Batch Reactor-Oxidation Ditch Modification (Kruger BIODENITRO Process) utilizing simultaneous nitrification/denitrification, secondary clarification, chemical feed, tertiary filtration (disc filtration), high level disinfections, aerobic digestion and belt press dewatering of biosolids. The South Facility is operated under Wastewater Permit No. FLA181714 (Permit) which was issued on July 2, 2019, and will expire December 8, 2024. The South Facility is located at 3540 Cameron Ave, Sanford, in Seminole County, Florida (Property). Respondent owns the Property on which the South Facility is located.

5. The Department finds that the following violation(s) occurred:

a) On September 15, 2022, the North Facility had an unauthorized discharge of approximately 1,000 gallons of untreated wastewater, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2022-7175.

b) On September 15, 2022, the North Facility had an unauthorized discharge of approximately 1,000 gallons of untreated wastewater, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2022-7176.

c) On September 15, 2022, the North Facility had an unauthorized discharge of approximately 5,000 gallons of untreated wastewater, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2022-7177.

d) On September 15, 2022, the North Facility had an unauthorized discharge of approximately 1,000,000 gallons of partially treated effluent, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2022-7191.

e) On September 29, 2022, the South Facility had an unauthorized discharge of approximately 200,000 gallons of untreated wastewater, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2022-7735.

f) On September 29, 2022, the North Facility had an unauthorized discharge of approximately 9,000,000 gallons of partially treated effluent, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2022-7725.

g) On September 29, 2022, the North Facility had an unauthorized discharge of approximately 80,000 gallons of untreated wastewater, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2022-7983.

h) On September 29, 2022, the North Facility had an unauthorized discharge of approximately 10,200 gallons of untreated wastewater, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2022-7984.

i) On October 31, 2022, the North Facility had an unauthorized discharge of approximately 10,000 gallons of untreated wastewater, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2022-9031.

j) On November 1, 2022, the North Facility had an unauthorized discharge of approximately 5,000 gallons of untreated wastewater, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2022-9038.

k) On November 9, 2022, the North Facility had an unauthorized discharge of approximately 23,000,000 gallons of partially treated effluent, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2022-9267.

l) On November 10, 2022, the North Facility had an unauthorized discharge of approximately 10,000 gallons of untreated wastewater, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2022-9309

m) On November 20, 2022, the North Facility had an unauthorized discharge of approximately 200,000 gallons of partially treated effluent, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2022-9596.

n) On December 27, 2022, the North Facility had an unauthorized discharge of approximately 2,000,000 gallons of partially treated effluent, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2022-10623.

o) On March 15, 2023, the North Facility had several sanitary sewer overflows resulting from maintenance on the vacuum, sewer system totaling approximately 495 gallons, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C.

p) On March 16, 2023, the North Facility had several sanitary sewer overflows resulting from maintenance on the vacuum sewer system totaling approximately 180 gallons, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C.

q) On March 20, 2023, the North Facility had a sanitary sewer overflow resulting from maintenance on the vacuum sewer system of approximately 10 gallons, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C.

r) On March 21, 2023, the North Facility had several sanitary sewer overflows resulting from maintenance on the vacuum sewer system totaling approximately 895 gallons, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C.

s) On March 22, 2023, the North Facility had several sanitary sewer overflows resulting from maintenance on the vacuum sewer system totaling approximately 110 gallons, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C.

t) On March 23, 2023, the North Facility had a sanitary sewer overflow resulting from maintenance on the vacuum sewer system of approximately 45 gallons, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C.

u) On March 24, 2023, the North Facility had a sanitary sewer overflow resulting from maintenance on the vacuum sewer system of approximately 60 gallons, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C.

v) On April 4, 2023, the North Facility had an unauthorized discharge of approximately 10 gallons, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C.

w) On April 5, 2023, the North Facility had an unauthorized discharge of approximately 15 gallons, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C.

y) On April 6, 2023, the North Facility had an unauthorized discharge of approximately 15 gallons, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C.

z) On April 7, 2023, the North Facility had an unauthorized discharge of approximately 40 gallons, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C.

aa) On May 18, 2023, the North Facility had an unauthorized discharge of approximately 3,000 gallons of untreated wastewater in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2023-4108.

bb) On June 23, 2023, the North Facility had an unauthorized discharge of approximately 38,000,000 gallons of partially treated effluent, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2023-5102.

cc) On September 27, 2023, the North Facility had an unauthorized discharge of approximately 6,000,000 gallons of partially treated effluent, in violation of Chapter

403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2023-8007.

dd) On November 16, 2023, the North Facility had an unauthorized discharge of approximately 29,000,000 gallons of partially treated effluent, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2023-9558.

ce) On December 17, 2023, the North Facility had an unauthorized discharge of approximately 51,000,000 gallons of partially treated effluent, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2023-10499.

ff) On January 6, 2024, the North Facility had an unauthorized discharge of approximately 5,000,000 gallons of partially treated effluent, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2023-8007.

gg) On January 13, 2024, the South Facility had an unauthorized discharge of approximately 10,000 gallons of untreated wastewater, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2024-399.

hh) On January 17, 2024, the North Facility had an unauthorized discharge of approximately 200,000 gallons of partially treated effluent, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2023-8007.

jj) On January 21, 2024, the North Facility had an unauthorized discharge of approximately 13,000,000 gallons of partially treated effluent, in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2023-8007.

Having reached a resolution of the matter Respondent and the Department mutually agree and it is

ORDERED:

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

a) Within 90 days of the effective date of this Order, Respondent shall submit to the Department an evaluation conducted by a professional engineer registered in the State of Florida. The evaluation shall include the entire collection transmission system of both the North Facility and South Facility.

b) Within 180 days from the date of the evaluation submittal in paragraph 5a), Respondent shall, in accordance with Rule 62-600.705(2), F.A.C., utilize the evaluation in Paragraph 5a) above to develop a Collection System Action Plan.

c) Within 240 days from the date of the evaluation submittal in paragraph 5a), Respondent shall submit to the Department, and immediately implement the Collection System Action Plan.

d) Within five (5) years of submittal of the Collection System Action Plan, Respondent shall complete at least 75% of the improvements identified.

e) Within 180 days of the effective date of this Order, Respondent shall update its Operation and Maintenance Manual, including the Emergency Response Plan therein, to be consistent with Rules 62.604.500 and 62-600.720, F.A.C. and submit a copy to the Department.

f) Within 90 days of the effective date of this Order, Respondent shall develop and submit to the Department, an Operation and Maintenance Performance Report that meets the requirements of Rule 62-600.735, F.A.C.

g) Within 180 days of the effective date of this Order, Respondent shall complete vacuum sewer system improvements and installation of the telemetry system that will be utilized to monitor this system for issues.

g) Within 240 days of the effective date of this Order, Respondent shall repair the automatic transfer switch for the back-up generator at the South Facility and meet all the requirements of Rule 62-600.300(2)(1), F.A.C.

6. Every quarter after the effective date of this Order and continuing until all corrective actions have been completed, Respondent shall submit to the Department a written report containing information about the status and progress of projects being completed under this Order, information about compliance or noncompliance with the applicable requirements of this Order, including construction requirements and effluent limitations, and any reasons for noncompliance. These reports shall also include a projection of the work Respondent will perform pursuant to this Order during the 12-month period which will follow the report. Respondent shall submit the reports to the Department within 30 days of the end of each quarter.

7. Respondent's completion of all corrective actions required by paragraphs 5 a) through g) within the respective deadlines specified thereunder shall constitute full compliance with Rule 62-600, F.A.C. and Rule 62-604, F.A.C.

8. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$646,589.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$644,089.00 for civil penalties and \$2,500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalty in this case includes 34 violations that each warrant a penalty of \$2,000.00 or more.

9. In lieu of making cash payment of \$644,089.00 in civil penalties as set forth in paragraph 8, the Respondent may elect to off-set the amount of \$547,475.65 by implementing a pollution prevention (P2) project or an in-kind project, either of 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, in order to be eligible for civil penalty offset under this Order. An in-kind project must be either an environmental enhancement, environmental restoration or a capital/facility improvement project and may not be a corrective action requirement of the Order or otherwise required by law. The Department may also consider the donation of environmentally sensitive land as an in-kind project. The value of the in-kind project shall be one and a half times the civil penalty off-set amount, which in this case is the equivalent of at least \$821,213.48. If Respondent chooses to implement a P2 project or an in-kind project, Respondent shall notify the Department of its election within 15 days of the effective date of this Order. Within 30 days of the effective date of this Order, Respondent must pay a total of \$99,113.35; \$96,613.35 for the remaining civil penalties, and \$2,500.00 for costs and expenses incurred by the Department, during the investigation of this matter, and the preparation and tracking of this Order.

10. If Respondent elects to implement a P2 Project as provided in paragraph 9, Respondent shall submit a completed P2 Project Plan (Plan) within 30 days of the effective date of this Order. The Plan must be completed using Exhibit 1, "P2 Project Plan" template. If the Respondent elects to implement an in-kind project as provided in paragraph 9, Respondent shall submit a completed In-Kind Project Plan (Plan) and comply with all the requirements and time frames in Exhibit 2, "In-Kind Projects" within 30 days of the effective date of this Order. In the event that Respondent elects to off-set civil penalties including stipulated penalties by implementing an in-kind penalty project which is approved by the Department, during the period that this Order remains in effect or during the effective date of any Department issued Permit to Respondent whichever is longer (Prohibited Transfer Duration), Respondent shall not transfer or use funds obtained by the Respondent 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 (hereinafter, Prohibited Transfer). Respondent shall annually certify to the Department using the Annual Certification Form located in Exhibit 2 to this Order that no Prohibited Transfer has occurred. In the event of any Prohibited Transfer, the In-Kind project option shall be forfeited, and entire civil penalty shall

immediately become due and owing to the Department irrespective of any expenditures by the Respondent in furtherance of the In-Kind project.

11. In the event the Department requires additional information to process the Plan described in paragraph 9, Respondent shall provide a modified Plan containing the information requested by the Department within 30 days of the date of the request.

12. If any balance remains after the entire P2 or In-Kind 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.

13. Respondent agrees to pay the Department stipulated penalties in the amount of \$1,000.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph(s) 5 a) through g), 6, and 7 of this Order. Additionally, Respondent shall pay the Department stipulated penalties for any discharges of wastewater from the WWTF and/or collection/transmission system. Respondent shall pay penalties as follows:

<u>Amount p/day p/discharge</u>	<u>Discharge Volume</u>
\$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

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 14, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this paragraph shall be in addition to the civil penalties agreed to in paragraph 8 of this Order.

14. Respondent shall 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 24-

1290" 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, effective and filed with the Clerk of the Department before ability to make online payment is available.

15. Except as otherwise provided, all submittals and payments required by this Order shall be sent to DEP_CD@FloridaDEP.gov, or by mail at Department of Environmental Protection, Central District, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803.

16. 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 Order and the rules and statutes administered by the Department.

17. 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 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 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 Order.

18. 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.

22. 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 of the terms of this Order.

23. 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.

24. 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.

25. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$15,000.00 per day per violation, and criminal penalties.

26. 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 Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.

27. 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.

28. 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, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.

29. This 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 Consent Order will not be effective until further order of the Department.

30. Respondent shall publish the following notice in a newspaper of daily circulation in Seminole County, Florida. The notice shall be published one time only within 30 days of the effective date of the 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 into a Consent Order with CITY OF SANFORD pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses the unauthorized discharges at 1201

West Seminole Boulevard, Sanford, in Seminole County, Florida (North Facility) and 3540 Cameron Ave, Sanford, in Seminole County, Florida (South Facility) and throughout the entire collection system for the City of Sanford.. 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, Central District Office, 3319 Maguire Blvd., Suite 232, Orlando, Florida 32803.

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 of the following information:

- a) The name and address of each agency affected and each agency's file or identification number, if known;
- b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- c) A statement of when and how the petitioner received notice of the agency decision;
- d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

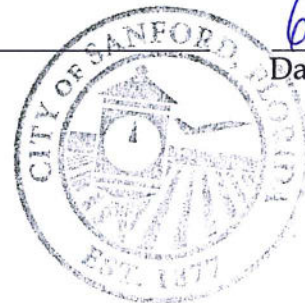
The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at Agency_Clerk@floridadep.gov, within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at 3319 Maguire Blvd., Suite 232, Orlando, Florida 32803. 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.

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

FOR THE RESPONDENT:



Art Woodruff
Mayor, City of Sanford



6-20-24

Date

FOR DEP USE ONLY - DO NOT WRITE BELOW THIS LINE

DONE AND ORDERED this _____ day of _____, 2024, in
Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Aaron Watkins
District Director
Central District

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

Clerk

Date

Final Clerked Copies furnished to:

Lea Crandall, Agency Clerk
Mail Station 35

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 (%) Reduction
	Before	After	Reduction	Before	After	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 (%) 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 (%) Reduction
	Before	After	Reduction	Before	After	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.

Exhibit 2

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, 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 _____ (insert name of Respondent) who shall testify as follows:

My name is _____ (print or type name of senior management official) and do hereby testify under penalty of law that:

A. I am a person with management responsibilities for _____ (print or type name of Respondent) budget and finances. During the eighteenth month period prior to the effective date of Consent Order OGC Case No.: _____ there has not been any transfer or use of funds obtained by the _____ (print or type name of Respondent) 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 senior management official) and do hereby testify under penalty of law that:

A. I am a person with management responsibilities for _____ (print or type name of Respondent) 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 the _____ (print or type name of Respondent) 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, 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, 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 paragraph 8 above, 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 paragraph 14 above, 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 pursuant to paragraph 2(a) above, 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 \$644,089.00 penalty, no additional penalties shall be assessed under paragraph 4 for failure to complete the requirement of this paragraph.

i. Within 15 days of completing the in-kind project, Respondent shall notify the Department, 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, 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 \$644,089.00, no additional penalties shall be assessed under paragraph 13 for failure to complete the requirements of this paragraph.



FLORIDA DEPARTMENT OF Environmental Protection

Central District Office
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

June 4, 2024

Art Woodruff, Mayor
City of Sanford
300 N. Park Avenue
Sanford, Florida 32771-1244
art.woodruff@sanfordfl.gov

Re: City of Sanford Amendment to Consent Order
DW Facility ID # FL0020141

Sanford Community Public Water System
PW Facility ID #3590205

OGC Case #22-0456
Seminole County

Dear Mr. Woodruff:

Enclosed is an Amended Consent Order ("Order") prepared by the Department for resolution of the referenced enforcement case. Please review this document and by July 1, 2024, return a signed copy to the Department. Once fully executed, a copy of the final document will be forwarded to you.

Should you have any questions or comments, please contact David Smicherko at 407-897-4169 or via e-mail at David.Smicherko@FloridaDEP.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Watkins".

Aaron Watkins, Director
Central District

Enclosure: Consent Order OGC#22-0456

cc: Norton Bonaparte, City of Sanford, Norton.Bonaparte@Sanfordfl.gov
Brynt Johnson, City of Sanford, brynt.johnson@sanfordfl.gov
FDEP: David Smicherko, Jenny E. Farrell

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION)	CENTRAL DISTRICT
)	
v.)	OGC FILE NO. 22-0456
)	
CITY OF SANFORD)	
_____)	

AMENDMENT TO CONSENT ORDER

The State of Florida Department of Environmental Protection ("Department") and City of Sanford ("Respondent") executed a Consent Order ("Order") in OGC File No. 22-0456 ("Original Order") on September 21, 2022. This Amended Order, which amends the Original Order, is entered into between the Department and Respondent to reach settlement of certain matters at issue between the parties.

The Department finds and Respondent admits 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 ("F.S."), and the rules promulgated and authorized in Title 62, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Order.
2. Respondent is a person within the meaning of Section 403.031(9), F.S.
3. Respondent is the owner and is responsible for the operation of the Sanford North Water Reclamation Facility ("WRF"), a 7.3 million gallon per day ("MGD") annual average daily flow ("AADF") domestic wastewater treatment plant, utilizing the Integrated Fixed-Film Activated Sludge Process ("IFAS") Biological Nutrient Removal ("BNR") process and consisting of influent screening, grit removal, a 4-stage BNR system, secondary clarification, chemical feed, tertiary filtration, and two Actiflo treatment trains with a total design capacity of 8.0 MGD AADF, high level disinfection, followed by dechlorination prior to surface water discharge, with third-party, off site treatment and disposal of biosolids, and a 1.0

MGD AADF surface water discharge to the St. Johns River or discharge to a 13.368 MGD AADF slow-rate public access reuse distribution system shared by the Sanford North WRF and Sanford South WRC facilities. The Facility is operated under Wastewater Permit No. FL0020141 ("Permit"), which was issued on October 6, 2020, and will expire on October 5, 2025. The Facility is located at 1201 West Seminole Boulevard, Sanford, in Seminole County, Florida ("Property"). Respondent owns the Property on which the Facility is located. Respondent is the owner and operator of a Community Public Water System, PWS No. 3590205, located at 3701 Country Club Road, Sanford, in Seminole County, Florida ("System").

4. The Department finds that the following violations occurred:

a) During a wastewater compliance evaluation inspection conducted at the facility on January 31, 2022, the following violations were identified:

i. Items 3 and 4 in the compliance schedule of the current Administrative Order have not been met, which is a violation of Administrative Order CD-20-WW-141, Section III (3) and (4). This includes submission of a progress report due by June 1, 2021, and submission of data to support a reasonable potential for the contaminants to exceed the water quality standards due by December 1, 2021.

ii. TSS grab sample results used for inline meter verification and calibration were not lab certified, which is a violation of Permit Condition I.C.6; Rule 62-610.320(6)(a), F.A.C.; Chapters 62-4.246, 62-160, and 62-600, F.A.C., and 40 CFR 136. The Department received documentation for correction of this violation on April 29, 2022.

iii. A current inspection and testing certification was not on site for the reduced pressure zone (RPZ) backflow preventer on the potable water supply line, which is a violation of Rule 62-555.330(6), F.A.C. The Department received documentation for correction of this violation on April 29, 2022.

iv. Sampling results for giardia and cryptosporidium were not reported on DEP Form 62-610.300(3)(a)4, for pathogen monitoring, which is a violation of Rule 62-610.300(3)(a)4, F.A.C. The Department received documentation for correction of this violation on April 29, 2022.

- v. The grit chamber was not operational at the time of the inspection, which is a violation of Rule 62-620.610(7), F.A.C.
- vi. The internal recycle pumps on trains A, B, C, and D were not operational at the time of the inspection, which is a violation of Rule 62-620.610(7), F.A.C.
- vii. The mixers in the primary anoxic basin of train B and the post anoxic basin of train A were not operational, which is a violation of Rule 62-620.610(7), F.A.C.
- viii. Clarifier #2 had vegetation growth on its skimmer arm and surface sprayers were not operational, which is a violation of Rule 62-620.610(7), F.A.C. The Department received documentation for correction of this violation on September 1, 2022.
- ix. Untreated effluent was leaking from the bar screen pump and screenings disposal dumpsters. Debris from the decommissioned second bar screen was noted on the facility grounds which is a violation of Rule 62-620.610(7), F.A.C. The Department received documentation for correction of this violation on April 29, 2022.
- x. The facility did not have an Operation and Maintenance Manual for their collection system on site at the time of the inspection, which is a violation of Rule 62-604.500(4), F.A.C.

b) A review of the Discharge Monitoring Reports (DMRs) conducted on January 31, 2022, found several exceedances for Total Nitrogen, Ammonia reported on Part A. The exceedances of the Permit's Total Nitrogen, Ammonia single sample maximum limit, weekly average limit, monthly average limit, and annual average limit were reported between the months of September 2021 through December 2021. These exceedances are listed in the table below.

Parameter	Monitoring Site	Statistical Basis	Max Limit	Result	Date
Nitrogen, Ammonia Total (as N)	EFD-1	Annual Avg	1.0 mg/L	1.8 mg/L	Sept. 2021
		Monthly Avg	1.3 mg/L	1.8 mg/L	
		Weekly Avg	1.5 mg/L	1.8 mg/L	
		Single Sample	2.0 mg/L	5.8 mg/L	

Nitrogen, Ammonia Total (as N)	EFD-1	Annual Avg	1.0 mg/L	1.8 mg/L	Oct. 2021
Nitrogen, Ammonia Total (as N)	EFD-1	Annual Avg	1.0 mg/L	3.4 mg/L	Nov. 2021
		Monthly Avg	1.3 mg/L	4.9 mg/L	
		Weekly Avg	1.5 mg/L	4.9 mg/L	
		Single Sample	2.0 mg/L	6.7 mg/L	
Nitrogen, Ammonia Total (as N)	EFD-1	Annual Avg	1.0 mg/L	3.4 mg/L	Dec. 2021

The exceedances of the Permit’s Total Nitrogen, Ammonia single sample maximum limit, weekly average limit, monthly average limit, and annual average limit are violations of Section 403.161(b), F.S., and Rules 62-600.740(2)(b)(1), 62-600.740(2)(b)(2), 62-600.740(2)(b)(3), and 62-600.740(2)(b)(4), F.A.C., respectively.

c) During a sanitary survey inspection of the System on May 19, 2022, the following violations were noted:

i. Three finished drinking water tanks (South Ground Storage Tank at the Main Plant, North Ground Storage Tank at the Main Plant, and South Ground Storage Tank at the Auxiliary Plant) had not been inspected by a licensed engineer within the required 5-year time period.

ii. Biogrowth was present on the piping at the following wells: Golf Course Well 2, Golf Course Well 3, Golf Course Well 5, Oregon Well 3, and VFW Well 8R.

iii. Air relief valves (ARV) were not screened at the following wells: Golf Course Well 4, Oregon Well 4, Hidden Lakes Well 7R, and ASR Well.

iv. The well casing vent was not properly screened at the VFW Well 8R.

v. Pipes were leaking at High Service Pump 3 at the Main Plant, the check valve at Twin Lakes Well 3, the check valve at the Elevated Silver Tank, the Hidden Lakes Well 7R, and a backflow prevention device at the Auxiliary Plant building.

- vi. The System did not have records that isolation valves were being exercised.
- vii. The System did not have records of flushing of 6" and larger dead-end water mains.
- viii. Security for Well 9 was not adequate due to the fencing requiring reinforcement.
- ix. Plant components were corroded at Well 9, Well 12, and ASR Well.

5. The Department received documentation of corrective actions for items 4.c.i through ix between June 2, 2022, and February 14, 2024.

6. During a wastewater compliance sampling inspection conducted at the facility on January 16, 2024, and file review conducted on April 3, 2024, the following violations were identified:

- a) A copy of the current laboratory certification was not onsite at the time of inspection, in violation of Rule 62-620.350(1), F.A.C.
- b) The residual chlorine bench meter was not being checked with the primary standards, in violation of Rule 62-160.210(1), F.A.C.
- c) The meter serial numbers were not recorded on the pH and residual chlorine calibration log sheets. The lot numbers of the pH standards were not recorded on the pH calibration logsheet, in violation of Rule 62-160.210(1), F.A.C.
- d) The barscreen dumpster was leaking on the ground around the headworks area, in violation of Rule 62-620.610(1), F.A.C.
- e) The odor control system at the headworks is not functional, in violation of Rule 62-620.610(1), F.A.C.
- f) The grit removal system is not functioning as intended, allowing a build-up of solid material in the treatment basins. This build-up of solids is hindering the use of various pumps and mixers required for optimal wastewater treatment, in violation of Rule 62-620.610(1), F.A.C.

- g) Treatment basins A, B, C, and D were covered with a thick layer of foam. The foam has spilled over the walls of Basins B, C, and D and onto the ground surface, in violation of Rule 62-620.610(1), F.A.C.
- h) Clarifiers #1 and #3 had excessive foam on the surface to the clarifiers. The foam was overflowing the effluent box of clarifier #3 and onto the ground surface, in violation of Rule 62-620.610(1), F.A.C.
- i) The facility's north generator is not functioning as intended, in violation of Rule 62-620.610(1), F.A.C.
- j) One of the two biosolids thickeners is not operational, in violation of Rule 62-620.610(1), F.A.C.
- k) The facility is not following the conditions in the Reuse Operating Protocol by allowing water from the lined substandard effluent ponds to overflow and discharge to surface water, in violation of Rule 62-610.463, F.A.C.
- l) A review of the Discharge Monitoring Reports ("DMRs") from December 2022 to February 2024 noted multiple exceedances of Total Suspended Solids, Total Nitrogen, Total Ammonia, and Phenolic Compounds, in violation of Rule 62-620.610(1), F.A.C. and Section 403.161(1)(b), F.S. Please see Exhibit 1 for details.
- m) The lined substandard effluent holding ponds contained less than three feet of freeboard, in violation of Rule 62-610.414(7), F.A.C.
- n) A review of the Ground Water Monitoring Reports ("GWMRs") from December 2022 to December 2023 noted multiple exceedances of Total Dissolved Solids, Chloride, and Fecal Coliform, in violation of Rule 62-520.310, F.A.C. Please see Exhibit 1 for details.

Having reached resolution of the matter, Respondent and the Department mutually agree, and it is

ORDERED:

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

a) Beginning the effective date of this Order and until December 31, 2024, Respondent shall collect samples at EFD-1 for the parameters included in Table 1 for each discharge from the Facility to the St. Johns River. These actions must be taken to comply with this Order and the current Administrative Order No.: CD-20-WW-141. The sampling schedule included in Permit FL0020141 remains in effect.

Table 1

Parameter	Units	Max/Min	Limit	Statistical Basis	Minimum Frequency of Analysis	Sample Type	Monitoring Site Number
Cyanide	µg/L	Max	10.0	Single Sample	Monthly, when discharging	Grab	EFD-1
Total Phenols	µg/L	Max	7.5	Single Sample	Monthly, when discharging	Grab	EFD-1
Chlorodibromomethane	µg/L	Max	80	Annual Average	Monthly, when discharging	Grab	EFD-1
Dichlorodibromomethane	µg/L	Max	100	Annual Average	Monthly, when discharging	Grab	EFD-1

b) By July 31, 2024, Respondent shall submit to the Department a report, outlining progress toward compliance with the current Administrative Order CD-20-WW-141.

c) By April 30, 2025, Respondent shall present data to determine if there is a reasonable potential for the contaminants to exceed the water quality standards and to determine compliance with the current Administrative Order CD-20-WW-141.

d) The effluent discharged from the Facility to the St. Johns River shall also comply with the new interim limits (Interim Limits) for Ammonia, Total as N, Phosphorus, Total (as P), Nitrogen Total, and Total Phenolic Compounds as shown in the table in paragraph 7(e) below. The discharge monitoring and the reporting requirements for these Interim limits shall comply with the requirements in paragraph 7(f) below. All other parameter limits in the Permit remain the same and Respondent shall comply with all other conditions of

the Permit. The Interim Limits shall become effective upon the first day of the month following the effective date of this Consent Order and remain in effect until December 31, 2025.

e) Interim Limits for Discharges to the St. Johns River; monitoring frequency and sample type included in Permit FL0020141 remain in effect from EFD-1:

Effluent Limitations							
Parameter	Units	Max/Min	Single Sample	Weekly Average	Monthly Average	Annual Average	Annual Loading
Ammonia, Total as N	mg/L	Maximum	18.0	15.0	12.0	10.0	
Phosphorus, Total (as P),	mg/L	Maximum	9.0	6.0	4.5	3.0	12,000 lbs/yr
Nitrogen Total	mg/L	Maximum	18.0	15.0	12.0	10.0	60,000 lbs/yr
Total Phenolic Compounds	mg/L	Maximum	8.0				

f) The analysis and reporting of the Interim Limits shall be in accordance with the Facility's Permit. The Interim Limits do not act as State of Florida Department of Environmental Protection Wastewater Permit effluent limitations of modified Permit limitations, nor do they authorize or justify violation of the Florida Air and Water Pollution Control Act, Part I, Chapter 403, F.S., during the pendency of this Order.

Analyses shall be reported once each month on a DMR. DMRs shall be submitted electronically via the EzDMR reporting system and must be received by the Department no later than the 28th day following the end of the reporting period (e.g., August report would be due no later than September 28th).

- g) By May 31, 2025, the Respondent shall complete repair of the grit chamber and its associated components.
- h) By May 31, 2025, the Respondent shall complete installation of new Internal Mixed Liquor Recycle (IMLR) pumps in all four IFAS trains.
- i) By May 31, 2025, the Respondent shall complete repair and replace each mixer in anoxic basins of treatment trains A, B, C, and D.
- j) By May 31, 2025, the Respondent shall remove accumulate grit from treatment trains A, B, C, and D.
- k) By May 31, 2025, the Respondent shall complete replacement of the weir cleaning system components.
- l) By July 31, 2024, the respondent shall acquire and maintain a current copy of the certification for each laboratory that analyzes samples required by the wastewater permit FLA0020141.
- m) By July 31, 2024, the Respondent shall update and maintain field meter calibration records in accordance with DEP-SOP 01-001.
- n) By December 31, 2024, the Respondent shall repair the odor control system at the facility headworks.
- o) By December 31, 2024, the Respondent shall eliminate all sources of leaks from the facility headworks.
- n) By March 31, 2025, Respondent shall ensure all auxiliary power generators are working as designed.
- p) By May 31, 2025, the Respondent shall ensure both biosolids thickeners are in full working order.
- q) Effective immediately, the facility shall follow the steps contained in the approved Reuse Operating Protocol related to the use of the lined Detention/Reject Ponds and the Seasonal Discharge Transmission System.
- r) Effective immediately the Facility shall maintain the freeboard in the Reject Ponds to no less than three (3) feet.

8. By December 31, 2025, the facility shall provide reasonable assurance that repairs made under this Order have resolved the high Nitrogen, Ammonia Total (as N), Phosphorus, Total (as P), Nitrogen Total, and Total Phenolic Compounds sample results by providing at least six consecutive months of DMRs with no reported exceedances for Nitrogen, Ammonia Total (as N), Phosphorus, Total (as P), Nitrogen Total, and Total Phenolic Compounds at EFD-1.

9. Every quarter after the effective date of this Order and continuing until all corrective actions have been completed, Respondent shall submit to the Department a written report containing information about the status and progress of projects being completed under this Order, information about compliance or noncompliance with the applicable requirements of this Order, including construction requirements and effluent limitations, and any reasons for noncompliance. These reports shall also include a projection of the work Respondent will perform pursuant to this Order during the 12-month period which will follow the report. Respondent shall submit the reports to the Department within 30 days of the end of each quarter.

10. Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all corrective actions required by paragraph 7(a)-(r) by December 31, 2025, and be in full compliance with Permit FL0020141-020-DW1P and its revisions regardless of any intervening events or alternative time frames imposed in this Order, other than those agreed to by the Department, as described in paragraph 22 below.

11. Respondent's completion of all corrective actions required by paragraph 7 within the respective deadlines specified thereunder shall constitute full compliance with Section 403.161, F.S. and Chapters 62-4, 62-160, 62-555, 62-600, 62-610, and 62-620, F.A.C.

12. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$185,344.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$184,334.00 for civil penalties and \$1000.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of

this Order. The civil penalty in this case includes 5 violations that each warrant a penalty of \$2,000.00 or more..

13. In lieu of making cash payment of \$184,334.00 in civil penalties as set forth in paragraph 15, the Respondent may elect to off-set the amount of \$156,683.90 by implementing a pollution prevention (P2) project or an in-kind project, either of 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, in order to be eligible for civil penalty offset under this Order. An in-kind project must be either an environmental enhancement, environmental restoration, or a capital/facility improvement project and may not be a corrective action requirement of the Order or otherwise required by law. The Department may also consider the donation of environmentally sensitive land as an in-kind project. The value of the in-kind project shall be one and a half times the civil penalty off-set amount, which in this case is the equivalent of at least \$235,025.85. If Respondent chooses to implement a P2 project or an in-kind project, Respondent shall notify the Department of its election within 15 days of the effective date of this Order. Within 30 days of the effective date of this Order, Respondent must pay a total of \$28,650.10; \$27,650.10 for the remaining civil penalties and \$1,000.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order.

14. If Respondent elects to implement a P2 Project as provided in paragraph 13, Respondent shall submit a completed P2 Project Plan (Plan) within 30 days of the effective date of this Order. The Plan must be completed using the "P2 Project Plan" template, which is attached hereto as Exhibit 2 and is incorporated herein by reference. If the Respondent elects to implement an in-kind project as provided in paragraph 13, Respondent shall submit a completed In-Kind Project Plan (Plan) and comply with all the requirements and time frames in "In-Kind Projects," which is attached hereto as Exhibit 3 and incorporated herein by reference,

within 30 days of the effective date of this Order. In the event that Respondent elects to off-set civil penalties including stipulated penalties by implementing an in-kind penalty project which is approved by the Department, during the period that this Order remains in effect or during the effective date of any Department issued Permit to Respondent whichever is longer (Prohibited Transfer Duration), Respondent shall not transfer or use funds obtained by the Respondent 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 (hereinafter, Prohibited Transfer). Respondent shall annually certify to the Department using the Annual Certification Form located in Exhibit 3 to this Order that no Prohibited Transfer has occurred. In the event of any Prohibited Transfer, the In-Kind project option shall be forfeited, and the entire civil penalty shall immediately become due and owing to the Department irrespective of any expenditures by the Respondent in furtherance of the In-Kind project.

15. In the event the Department requires additional information to process the Plan described in paragraph 14, Respondent shall provide a modified Plan containing the information requested by the Department within 30 days of the date of the request.

16. 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.

17. Respondent agrees to pay the Department stipulated penalties as defined in the schedules below:

a) For each and every day Respondent fails to timely comply with any of the requirements of paragraphs 7-11 of this Order, Respondent agrees to pay stipulated penalties in the amount of \$1,000 per day. The Department may demand stipulated penalties at any time after the 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 21, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce the terms of this Order. Any stipulated penalties assessed under

this paragraph shall be in addition to the civil penalties agreed to in paragraph 15 of this Order.

18. Respondent shall 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.fldeportal.com/go/pay/>. It will take a number of days after this order is final, effective, and filed with the Clerk of the Department before ability to make online payment is available.

19. Except as otherwise provided, all submittals and payments required by this Order shall be sent to DEP_CD@dep.state.fl.us and copied to David Smicherko, Environmental Manager at David.Smicherko@FloridaDEP.gov.

20. 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 Order and the rules and statutes administered by the Department.

21. 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 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 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 Order.

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 of the terms of this Order.

24. 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.

25. 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.

26. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$15,000.00 per day per violation, and criminal penalties.

27. 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 Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to Section 120.68, F.S.

28. 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.

29. 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, F.S. Failure to comply with the terms of this Order constitutes a violation of Section 403.161(1)(b), F.S.

30. This 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 Consent Order will not be effective until further order of the Department.

31. Respondent shall publish the following notice in a newspaper of daily circulation in Seminole County, Florida. The notice shall be published one time only within 30 days of the effective date of the 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 into a Consent Order with CITY OF SANFORD pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses the violations at 1201 West Seminole Boulevard, Sanford, in Seminole County, Florida (Property). 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, Central District Office, 3319 Maguire Blvd., Suite 232, Orlando, Florida 32803.

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 of the following information:

- a) The OGC Number assigned to this Consent Order;
- b) The name and address of each agency affected and each agency’s file or identification number, if known;
- c) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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; and an explanation of how the petitioner’s substantial interests will be affected by the agency determination;
- d) A statement of when and how the petitioner received notice of the agency decision;
- e) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- f) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency’s proposed action;
- g) A statement of the specific rules or statutes the petitioner contends require reversal

or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

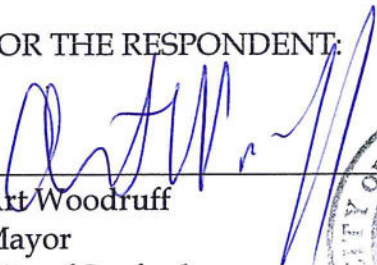
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at Agency_Clerk@floridadep.gov, 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 Central District Office, 3319 Maguire Blvd., Suite 232, Orlando, Florida 32803. 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.

32. Rules referenced in this Order are available at

<http://www.dep.state.fl.us/legal/Rules/rulelist.htm>

FOR THE RESPONDENT:



Art Woodruff
Mayor
City of Sanford



6-20-2024

Date

FOR DEP USE ONLY - DO NOT WRITE BELOW THIS LINE

DONE AND ORDERED this ____ day of _____, 20____, in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Aaron Watkins
District Director
Central District

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

Clerk

Date

Final clerked copies furnished to:
Lea Crandall, Agency
Clerk Mail Station 35

Exhibit 1

The table below contains the permit limit exceedances listed on the effluent DMRS from December 2022 to February 2024:

Date	Parameter	Monitoring Site	Statistical Basis	Result (mg/L)	Max Limit (mg/L)
December 2022	TSS	EFB-1	Maximum	7 mg/L*	5.0 mg/L
February 2023	TSS	EFB-1	Maximum	5.1 mg/L	5.0 mg/L
May 2023	TSS	EFB-1	Maximum	5.6 mg/L	5.0 mg/L
June 2023	TSS	EFB-1	Maximum	28.6 mg/L*	5.0 mg/L
July 2023	TSS	EFB-1	Maximum	6.2 mg/L	5 mg/L
September 2023	Total Ammonia	EFD-1	Monthly Avg	6.2 mg/L**	6.0 mg/L
			Weekly Avg	6.6 mg/L**	6.0 mg/L
			Annual Avg	6.3 mg/L**	6.0 mg/L
September 2023	Total Phenolic Compounds	EFD-1	Maximum	7.6 ug/L	7.5 ug/L
September 2023	Total Nitrogen	EFD-1	Annual Avg	6.3 mg/L	6.0 mg/L
November 2023	TSS	EFB-1	Maximum	46 mg/L*	5.0 mg/L
December 2023	Total Ammonia	EFD-1	Annual Avg	6.2 mg/L	6.0 mg/L
December 2023	Total Nitrogen	EFD-1	Annual Avg	6.3 mg/l	6.0 mg/L
December 2023	TSS	EFB-1	Maximum	13 mg/l	5.0 mg/l
January 2024	Total Ammonia	EFD-1	Annual Avg	6.2 mg/L	6.0 mg/L
January 2024	Total Nitrogen	EFD-1	Annual Avg	6.3 mg/l	6.0 mg/L
January 2024	TSS	EFB-1	Maximum	10.8 mg/l	5.0 mg/l
February 2024	Total Nitrogen	EFD-1	Maximum	15.2 mg/L	12.0 mg/L
			Weekly Avg	12.1 mg/L	9.0 mg/L
			Monthly Avg	10.6 mg/L	7.5 mg/L
			Annual Avg	8.4 mg/L	6.0 mg/L
February 2024	Total Ammonia	EFD-1	Maximum	15.6 mg/L	9.0 mg/L
			Weekly Avg	11.8 mg/L	6.0 mg/L
			Monthly Avg	10.7 mg/L	6.5 mg/L
			Annual Avg	8.5 mg/L	6.0 mg/L

February 2024	Phosphorus, Total	EFD-1	Maximum Weekly Avg Monthly Avg Annual Avg	7.3 mg/L 2.6 mg/L 2.3 mg/L 1.6 mg/L	2.0 mg/L 1.5 mg/L 1.25 mg/L 1.0 mg/L
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The table below contains the permit limit exceedances listed on the groundwater DMRS from December 2022 to December 2023:

Date	Parameter	Monitoring Site	Statistical Basis	Max Limit	Result
4 th Qtr 2022	TDS	MWC-5S10	Quarterly	500 mg/L	1190 mg/L
4 th Qtr 2022	TDS	MWC-12S10	Quarterly	500 mg/L	6840 mg/L
4 th Qtr 2022	Chloride	MWC-12S10	Quarterly	250 mg/L	2970 mg/L
4 th Qtr 2022	Fecal Coliform	MWC-10S10	Quarterly	4/100mL	136/100mL
1 st Qtr 2023	TDS	MWC-13S10	Quarterly	500 mg/L	528 mg/L
1 st Qtr 2023	TDS	MWC-12S10	Quarterly	500 mg/L	5840 mg/L
1 st Qtr 2023	Chloride	MWC-12S10	Quarterly	250 mg/L	3120 mg/L
2 nd Qtr 2023	TDS	MWC-13S10	Quarterly	500 mg/L	534 mg/L
2 nd Qtr 2023	TDS	MWC-12S10	Quarterly	500 mg/L	10300 mg/L
2 nd Qtr 2023	Chloride	MWC-12S10	Quarterly	250 mg/L	3380 mg/L

3 rd Qtr 2023	TDS	MWC-13S10	Quarterly	500 mg/L	532 mg/L
3 rd Qtr 2023	TDS	MWC-12S10	Quarterly	500 mg/L	4300 mg/L
3 rd Qtr 2023	Chloride	MWC-12S10	Quarterly	250 mg/L	2330 mg/L
4th Qtr 2023	TDS	MWC-12S10	Quarterly	500 mg/L	6720 mg/L
4th Qtr 2023	Chloride	MWC-12S10	Quarterly	250 mg/L	2990 mg/L

Exhibit 2

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 (%) Reduction
	Before	After	Reduction	Before	After	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 (%) 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 (%) Reduction
	Before	After	Reduction	Before	After	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.

Exhibit 3

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, 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 _____ (insert name of Respondent) who shall testify as follows:

My name is _____ (print or type name of senior management official) and do hereby testify under penalty of law that:

A. I am a person with management responsibilities for _____ (print or type name of Respondent) budget and finances. During the eighteenth month period prior to the effective date of Consent Order OGC Case No.: _____ there has not been any transfer or use of funds obtained by the _____ (print or type name of Respondent) 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 senior management official) and do

hereby testify under penalty of law that:

A. I am a person with management responsibilities for _____ (print or type name of Respondent) 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 the _____ (print or type name of Respondent) 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, 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, 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 paragraph ___ above, 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 paragraph ___ above, 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 pursuant to paragraph 2(a) above, 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 under paragraph XX for failure to complete the requirement of this paragraph.

i. Within 15 days of completing the in-kind project, Respondent shall notify the Department, 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, 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 \$ _____, no additional penalties shall be assessed under paragraph XX for failure to complete the requirements of this paragraph.