03-0666

Department of Environmental Protection

Jeb Bush
Governor

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

April 10, 2006

CERTIFIED MAIL 7002 3150 0003 8459 5392
RETURN RECEIPT REQUESTED

Mr. Norton Craig, Assistant City Manager
City of Largo
P.O. Box 296
Largo, FL 33779-0296

Re: Consent Order OGC File No. 03-0666
Largo AWWTF
Facility ID No. FL0026603
Pinellas County

Dear Mr. Craig:

Enclosed is one original copy of the Consent Order, OGC File No. 03-0666, regarding the above-referenced facility. The effective date of the Consent Order is April 10, 2006.

Should you have any questions, please contact Michele Duggan at (813) 632-7600, extension 335, or via e-mail: michele.duggan@dep.state.fl.us.

Sincerely,

Thomas Gucciardo
Environmental Manager
Domestic Wastewater Section

TG/mdd

Enclosure

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION,	)	IN THE OFFICE OF THE SOUTHWEST DISTRICT
Complainant,	)	OGC FILE NO. 03-0666
VS.	)	
CITY OF LARGO,	)	
Respondent.	)	

FO#06-0321

CONSENT ORDER

This Consent Order is entered into between the State of Florida Department of Environmental Protection ("Department") and the City of Largo ("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 thereunder, Title 62, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Consent Order.

2. Respondent is a municipality of the State of Florida and 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 City of Largo Wastewater Reclamation Facility, an 18.00 million gallons per day wastewater treatment facility with reclaimed water sent to a Master Reuse System, which includes the Carillon area of St. Petersburg and the Largo Municipal Golf Course, and dechlorinated effluent discharged to the Feather Sound stormwater system, into a freshwater lake located on the Feather Sound Golf Course, which flows into a series of lakes ("Feather Sound"), through a salinity barrier and then onto state-owned lands dominated by mangroves, then into Tampa Bay ("Facility"). The Facility is located at 5100 150th Avenue North, Largo, Florida 33779-0296. Respondent operates the Facility under Wastewater Permit No. FL0026603, which expired March 7, 2005 ("Permit"). The Permit constitutes authorization to discharge to waters of the State under the National Pollution Discharge Elimination System. An application to renew the Permit

was received on September 9, 2004 and is currently under review. Permit No. FL0026603 is administratively continued during this time. Respondent also maintains and operates the Facility's associated wastewater collection/transmission system ("Collection System").

4. Tampa Bay is classified as a Class III water body, an Outstanding Florida Water and an Aquatic Preserve in Chapter 62-302, F.A.C. Section 403.086(1), F.S., governs discharges of domestic wastewater to Tampa Bay. Feather Sound is a tributary of Tampa Bay.

5. Respondent was notified of alleged violations of Chapter 403, F.S., and Chapter 62-302, F.A.C., in Department Warning Letter No. WL02-0010DW52SWD, dated May 24, 2002. The Department finds that from a review of the Discharge Monitoring Reports ("DMRs") for the period of May 2001 through March 2002 the effluent permit limit of 22 μg/L for Bromo-dichloromethane was exceeded, on an annual average basis, each month during that timeframe.

6. The Department finds that from April 2002 through March 2005, the discharge of effluent from the Facility did not meet the limit imposed by the Permit for Bromo-dichloromethane. The Department finds that from April 2005 through present the discharge of effluent from the Facility did meet the limit imposed by the Permit.

7. On August 6, 2002, June 24, 2003, and January 6, 2005, Department personnel and representatives for Respondent met to discuss operational improvements to reduce the concentration of Bromo-dichloromethane in the discharged effluent, and other options to reduce or eliminate the discharge of Bromo-dichloromethane to Feather Sound.

8. Respondent performed an assessment of the Facility to determine the process or operational changes that could be quickly and cost-effectively implemented to improve the Facility's compliance. Respondent submitted to the Department the assessment of the Facility and the operational changes implemented to reduce the concentration of Bromo-dichloromethane.

9. Respondent retained the services of a Florida professional engineer for evaluating alternative wastewater management options. Options evaluated included, but were not limited to, the following:

a) A time-formation test to determine the point at which Bromo-dichloromethane was being formed within the Facility.

b) Increasing the Sulfur Dioxide contact time by changing the feed point.

c) A feasibility or exploratory study for an Aquifer Storage and Recovery well.

d) An application to the Department for a mixing zone, in accordance with Rule 62-4.244, F.A.C., for Bromo-dichloromethane in the effluent discharged into Feather Sound.

Respondent submitted a detailed report of the findings of this evaluation of the options. None of the options or operational changes appeared to have effectively reduced the concentration of Bromo-dichloromethane.

10. Respondent developed and submitted a proposal to conduct a pilot study at the Facility. The study involved redirecting flows from the permitted configuration to one in which flows travel from the final clarifiers to the sand filters, thence to the denitrification towers, thence to the chlorine contact chamber. The multiple chlorination injection points were reduced. To date, the pilot study has provided reduction in the concentration of Bromo-dichloromethane. Respondent has requested that the pilot study be permanently authorized during the Permit renewal process.

11. During the months of January through March 2004, and June through September 2004, Respondent experienced a number of chronic rainfall events exceeding normal rainfall averages. Millions of gallons of wastewater were discharged from the Collection System to waters of the State, and into canals, ditches and lakes that are connected to waters of the State. The Collection System was not authorized by the Department to discharge to State waters. In 1999, Respondent conducted a Sewer System Evaluation Study ("SSES") to evaluate Respondent's Collection System and develop recommendations to minimize wastewater overflows from the Collection System. The SSES concluded that there was excessive inflow and infiltration into the Collection System, during both dry and wet weather. The SSES also indicated that the capacity of a number of the Collection System's interceptors may not be adequate to handle permitted flows. Through recent projects, Respondent has performed substantial rehabilitation of the Collection System, including sealing over 2,500 manholes and lining approximately 10 miles of gravity interceptors. The rehabilitation was intended to improve the ability of the Collection System to handle a greater volume of flow. However, the Collection System continues to discharge wastewater during periods of heavy rainfall. Respondent, through the SSES, identified areas within the Collection System in which improvement is needed to minimize sanitary sewer overflows. Some of the improvement areas are included in Respondent's FY 2005-2010 Capital Improvement Program.

12. The Department findings in Paragraphs 5, 6 and 11 constitute violations of Chapter 403, F.S., and Rules 62-604.500(2), 62-604.500(3), 62-604.130(1), 62-302.500(1)(a) and 62-302.530(62), F.A.C.

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

13. Respondent is subject to Section 166.241, F.S., which makes it unlawful for a municipality "to contract for expenditures in any fiscal year except in pursuance of budgeted appropriations." This limitation governs each project and corrective action set forth herein. However, within the constraints of this limitation, Respondent does covenant that for each of the identified projects and require-

ments of this Consent Order, after budgeting and appropriating for essential City services and then existing legal obligations, it will budget and appropriate from legally available funds, sufficient monies to fund its obligations under this Consent Order. The obligations of Respondent hereunder shall not be or constitute a general indebtedness of Respondent within the meaning of the Florida Constitution. Notwithstanding, Respondent's failure to properly budget or appropriate funds will not act to relieve or excuse Respondent for the non-performance of its obligations under this Consent Order.

14. By June 30, 2006, and thereafter, Respondent shall reduce Bromo-dichloromethane through reduction of the sources of these constituents or by treatment so that the Facility's effluent complies with the water quality standard for Bromo-dichloromethane, as defined in Rule 62-302.530, F.A.C. Respondent shall take whatever corrective actions are necessary to meet the limit for Bromo-dichloromethane in the Facility's effluent. However, if a Permit revision or additional Department permit is required for the corrective actions, Respondent must obtain the Permit revision or Department permit prior to placing the modifications into operation. Respondent must govern its actions through submittal of appropriate information, applications, pertinent data, and responses to Department requests for additional information to comply with the water quality standard for Bromo-dichloromethane by June 30, 2006, and thereafter. Compliance with the water quality limit for Bromo-dichloromethane will not be determined until June 30, 2006, as the limit is based on an annual average.

15. Upon the effective date of this Consent Order and lasting through June 30, 2006, the Facility's effluent discharged to Feather Sound shall not contain more than 30.0 μg/L of Bromo-dichloromethane on an annual average basis as the interim limit. The interim limit of 30.0 μg/L shall become effective upon the first day of the month following the effective date of this Consent Order and remain in effect until June 30, 2006. A copy of the Discharge Monitoring Report ("DMR") to be used for reporting the interim limit values is incorporated herein and attached as Exhibit I. Sampling, analysis and reporting of Bromo-dichloromethane shall be in accordance with the permit. This interim limit does not act as a State of Florida Department of Environmental Protection wastewater permit effluent limitation or modified permit limitation, nor does it authorize or otherwise justify violation of the Florida Air and Water Pollution Control Act, Part I, Chapter 403, F.S., during the pendency of this Consent Order.

16. The DMRs shall be mailed or hand delivered to the Department of Environmental Protection once each month and must be received by the Department no later than the 28th day following the end of the reporting period (e.g., the August report would be due not later than September 28th). In addition to submitting the DMRs to the Department in accordance with the permit, during the pendency

of this Consent Order, Respondent shall submit copies of the DMRs to the Southwest District of the Department, pursuant to paragraph 29 of this Consent Order.

17. Within 180 days of the effective date of this Consent Order, Respondent shall submit to the Department a plan to minimize sanitary sewer overflows. The plan should include implementation of construction improvements and rehabilitation to the Collection System and Facility, as identified in the FY 2005-2010 Capital Improvements Plan, over the next ten years to significantly reduce wastewater overflows. Within 30 days of Department approval of the plan, Respondent shall begin implementation of the plan. If Respondent meets the requirements of reducing sanitary sewer overflows prior to completion of the entire plan, Respondent may seek closure of the case, pursuant to paragraph 39.

18. Within 365 days of the effective date of this Consent Order, if Respondent has not already done so, Respondent shall retain the services of a Florida professional engineer for the purpose of:

a) Designing modifications of the Collection System to ensure the Facility and Collection System will function in full and consistent compliance with all applicable rules of the Department.

b) Completing an application for a Department wastewater permit to construct the modifications listed in subparagraph 18a, above, if such a permit is required.

c) Overseeing the construction of any modifications to the Collection System.

d) Submitting to the Department an engineer's certification of completion stating that the construction of modifications to the Collection System have been constructed in accordance with the provisions of the wastewater permit referenced in subparagraph 18b, above, if applicable.

19. On or before June 1 and December 1 of each year this Consent Order is in effect, Respondent shall submit to the Department a written report containing information concerning the status and progress of projects being completed under this Consent Order, information as to compliance or noncompliance with the applicable requirements of this Consent Order including construction requirements and effluent limitations, and any reasons for noncompliance. Such reports shall also include a projection of the work to be performed pursuant to this Consent Order during the subsequent six-month period.

20. 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 Consent Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the property or Facility, (a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, or operator, or person in control of the Facility, and (c) provide a copy of this Consent Order with all attachments to the new owner. The sale or conveyance of the Facility or of the property upon which the Facility is located shall not relieve the Respondent of the obligations imposed in this Consent Order.

21. In any event:

a) By June 30, 2006, the Facility effluent discharge to Feather Sound shall comply with the permit limit for Bromo-dichloromethane surface water quality standards, and

b) Within ten years of the effective date of this Consent Order, Respondent shall complete construction improvements and rehabilitation of the Collection System to significantly reduce wastewater overflows.

Notwithstanding, Respondent's failure to properly budget or appropriate funds will not act to relieve or excuse Respondent for the non-performance of its obligations hereunder.

22. Within 60 days of the effective date of this Consent Order, Respondent shall pay to the Department $19,000.00 in settlement of the matters addressed in this Consent Order, excluding any penalties incurred under paragraph 24 and 25 of this Consent Order. This amount includes $2,000.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Consent Order and $17,000.00 in civil penalties for violation of Chapter 403, F.S., and Rules 62-302.500(1)(a) and 62-302.530(62), F.A.C. Payment shall be made by City check, cashier's check or money order. The instrument shall be made payable to the "Department of Environmental Protection" and shall include thereon the OGC File Number assigned to this Consent Order and the notation "Ecosystem Management and Restoration Trust Fund". The payment shall be sent to the Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926.

23. In lieu of making full cash payment of the civil penalties set forth in paragraph 22, Respondent may, with prior approval of the Department, implement one or more in-kind penalty projects for up to $12,750.00 of the settlement amount. An in-kind penalty project must be an environmental enhancement, environmental education, environmental restoration or a capital facility improvement project. The Department may also consider the donation of environmentally sensitive land. The total value of the in-kind penalty project shall be at least one and a half times the amount of the civil penalty, which in this case, is the equivalent of at least $19,125.00. In the event Respondent elects this option, it must so notify the Department in writing within 30 days of the effective date of this Consent Order. Additionally, Respondent shall remit the $4,250.00 not subject to offset by an in-kind penalty project within 30 days of the effective date of this Consent Order. If Respondent elects to implement an in-kind penalty project, Respondent shall comply with the following procedures and time frames:

a) Within 90 days of the effective date of this Consent Order, Respondent shall submit to the Department one or more proposals for consideration as in-kind projects. The proposal shall include a summary of benefits, proposed schedule for implementation and documentation of the expected costs to be incurred to complete the project. These costs shall not include those costs

incurred in developing the proposal or obtaining approval from the Department. The project must be approved by the Department to qualify as an in-kind project.

b) If the Department does not approve the in-kind project, Respondent may correct/redress the deficiencies or may submit an alternative project proposal within 30 days of notification that the project is not approved. If the in-kind project is not approved within 150 days of the effective date of this Consent Order, Respondent shall make payment of the remaining civil penalties as set forth in paragraph 22 of this Consent Order within 30 days of written notice from the Department.

c) Respondent shall complete the in-kind project within 365 days of Department approval or in accordance with the approved schedule submitted pursuant to subparagraph 23(a).

d) Respondent shall provide the Department with a status report every six months after the project is approved documenting the progress being made on the implementation of the project.

e) Respondent shall place appropriate signs during the implementation of the project indicating that Respondent's involvement with the project is the result of Department enforcement actions. Respondent may remove the signs after the project has been completed. However, after the project has been completed, Respondent shall not post any signs at the site indicating that the reason for the project was anything other than a Department enforcement action. If a specific project does not involve a physical site, then other similar type of public notification shall be required.

f) Respondent shall forfeit the right to avail itself of the in-kind penalty option if Respondent fails to timely submit any requested information or documentation, fails to complete implementation of the in-kind project or otherwise fails to comply with any provision of this paragraph. The unpaid balance of the remaining penalty, excluding the prorated amount for any completed in-kind project, as set forth in paragraph 22 of this Consent Order shall be due from Respondent to the Department within 30 days of notice.

g) Respondent shall notify the Department within 30 days of completing the project of the project's 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. If upon review of the notification of completion the Department determines that the project cannot be accepted due to incompleteness or substantial deviation from the approved project, Respondent shall be notified in writing of the reasons which prevent acceptance of the projects. Respondent shall correct and redress all matters in the Department's written notice 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 any in-kind project is still incomplete or not in accordance with the approved proposal, the in-kind penalty payment option will be forfeited and the corresponding amount of civil penalties shall be due from Respondent to the Department within 30 days of receipt of the Department's notice. If the actual costs incurred in completing the project are less than the approved amount of the in-kind project, Respondent shall remit cash payment of the prorated difference to the Department within 30 days of the project completion. Otherwise, the Department shall provide a letter to Respondent acknowledging completion of the project.

24. Respondent agrees to pay the Department stipulated penalties in the amount of $250.00 per day for each and every day Respondent fails to meet permit-imposed effluent limitations (except for Bromo-dichloromethane) or to timely comply with any of the requirements of paragraphs 14 through 23 and 27 of this Consent Order. Respondent also agrees to pay the Department stipulated penalties in the amount of $2,500.00 per month for each and every month the Respondent fails to meet the interim limit for Bromo-dichloromethane or for the failure to meet the water quality limit for Bromo-dichloromethane beyond the compliance date for the effluent discharged to Feather Sound in paragraphs 14 and 15. A separate stipulated penalty shall be assessed for each violation of this Consent Order. Within 30 days of written demand from the Department, Respondent shall make payment of the appropriate stipulated penalties to the "Department of Environmental Protection" by cashier's check or money order and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management and Restoration Trust Fund". Payment shall be sent to the Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926. The Department may make demands for payment at any time after violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Consent Order. Any penalties assessed under this paragraph shall be in addition to the settlement sum agreed to in paragraph 22 of this Consent Order. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.

25. Upon the effective date of this Consent Order, Respondent shall pay the Department stipulated penalties for any discharges of wastewater from the collection/transmission system to State waters, which do not qualify as excusable discharges. Respondent shall pay stipulated penalties as follows:

Amount per Day per Discharge	Discharge Volume
$500.00	up to 5,000 gallons

$1,000.00	5,001 to 10,000 gallons
$2,500.00	10,001 to 25,000 gallons
$5,000.00	25,001 to 100,000 gallons
$10,000.00	in excess of 100,000 gallons

with a maximum cumulative penalty of $30,000 per day. Each payment shall be received within 30 days of written demand from the Department. Payment shall be made by cashier's check, money order, or City check. The instrument shall be made payable to the "Department of Environmental Protection" and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management and Restoration Trust Fund". The payment shall be sent to the Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926. The Department may make demands for payment at any time after violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Consent Order. Any penalties assessed under this paragraph shall be in addition to the settlement sum agreed to in paragraph 22 of this Consent Order. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.

For purposes of this Consent Order, an excusable discharge is a discharge that resulted from a temporary, exceptional incident that was beyond the reasonable control of Respondent. Incidents beyond the reasonable control of Respondent would include:

a) Exceptional acts of nature, including a 10 year 24 hour storm event.

b) Third party actions that could not be reasonably prevented, including vandalism.

c) Blockages that could not be avoided by reasonable measures.

d) Unforeseeable sudden structural, mechanical, or electrical failure that could not be avoided by reasonable measures.

26. 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 Consent 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. Economic circumstances shall not be considered circumstances beyond the control of Respondent, nor shall 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 be a cause beyond the control of Respondent, unless the cause of the contractor's late performance was also beyond the contractor's control. Upon oc-

currence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department orally within 24 hours or by the next working day and shall, within seven calendar days of oral notification to the Department, notify the Department in writing of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay and 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 for a period equal to the agreed delay resulting from such circumstances. Such agreement shall adopt all reasonable measures necessary to avoid or minimize delay. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner shall constitute a waiver of Respondent's right to request an extension of time for compliance with the requirements of this Consent Order.

27. Respondent shall publish the following notice in a newspaper of daily circulation in Pinellas County, Florida. The notice shall be published one time only within 15 days after the effective date of the Consent Order. Respondent shall provide a copy of the 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 gives notice of agency action of entering into a Consent Order with the City of Largo pursuant to Section 120.57(4), F.S. The Consent Order addresses alleged exceedances of water quality standards in the effluent discharged to Feather Sound and Tampa Bay from the City of Largo Wastewater Reclamation Facility located at 5100 150th Avenue North, Largo, Florida 33779-0296 and alleged unpermitted wastewater discharges from the City's wastewater collection/transmission system to State waters, and the implementation plan to minimize further discharges. The Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Southwest District, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926.

Persons whose substantial interests are affected by this Consent Order have a right to petition for an administrative hearing on the Consent Order. The Petition must contain the information set forth below and must be filed (received) in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's identification number for the Consent Order and the county in which the subject matter or activity is located;

(b) A statement of how and when each petitioner received notice of the Consent Order;

(c) A statement of how each petitioner's substantial interests are affected by the Consent Order;

(d) A statement of the material facts disputed by petitioner, if any;

(e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order;

(f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; and

(g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

A person whose substantial interests are affected by the Consent Order may file a timely petition for an administrative hearing under Sections 120.569 and 120.57, F.S., or may choose to pursue mediation as an alternative remedy under Section 120.573, F.S., before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth below.

Mediation may only take place if the Department and all the parties to the proceeding agree that mediation is appropriate. A person may pursue mediation by reaching a mediation agreement with all parties to the proceeding (which include the Respondent, the Department, and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interests of each mediating party are affected by the Consent Order. The agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000, within 10 days after the deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:

(a) The names, addresses, and telephone numbers of any persons who may attend the mediation;

(b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;

(c) The agreed allocation of the costs and fees associated with the mediation;

(d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;

(e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;

(f) The name of each party's representative who shall have authority to settle or recommend settlement;

(g) Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference; and

(h) The signatures of all parties or their authorized representatives.

As provided in Section 120.573, F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, F.S., for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within 60 days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within 21 days of receipt of this notice. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing

processes under Sections 120.569 and 120.57, F.S., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

28. Respondent shall allow all authorized representatives of the Department access to the property and Facility at reasonable times for determining compliance with the terms of this Consent Order and the rules and statutes of the Department.

29. Unless otherwise specified, all submittals and payments required by this Consent Order to be submitted to the Department shall be sent to the Department of Environmental Protection, Domestic Wastewater Section, attn: Thomas Gucciardo, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926.

30. This Consent Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Consent 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.

31. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes, or the rules promulgated thereunder that are not specifically addressed by the terms of this Consent Order, including but not limited to undisclosed releases, contamination or polluting conditions.

32. The terms and conditions set forth in this Consent 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 Consent Order shall constitute a violation of Section 403.161(1)(b), F.S.

33. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations through the date of the filing of this Consent Order as addressed in this Consent Order.

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

35. With regard to any determination made by the Department regarding implementation of the requirements of this Consent Order, if Respondent objects to the Department's determination, Respondent may file a petition for an administrative hearing pursuant to Sections 120.569 and 120.57, F.S. Respondent shall have the burden to establish the inappropriateness of the Department's determination. The petition must conform with the requirements of Rule 28-106.201, F.A.C., and must be filed (received) in the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Talla-

hassee, Florida 32399-3000, within 21 days after receipt of written notice from the Department of any determination Respondent wishes to challenge. Failure to file a petition within the 21 days shall constitute a waiver by Respondent of its right to request an administrative proceeding pursuant to Sections 120.569 and 120.57, F.S. The Department's determination, upon expiration of the 21 day time period if no petition is filed, or the Department's Final Order as a result of the filing of a petition subsequent to any appeals of the Final Order, shall be incorporated by reference into this Consent Order and made a part of it. All other aspects of the Consent Order shall remain in full force and effect at all times. If Respondent seeks an administrative proceeding pursuant to this paragraph, the Department may file suit against Respondent to obtain judicial resolution of all the issues unresolved at the time of the request for administrative proceeding.

36. Entry of this Consent Order does not relieve Respondent of the need to comply with applicable federal, state or local laws, regulations or ordinances.

37. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by both Respondent and the Department.

38. 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 Consent Order. Respondent acknowledges its right to appeal the terms of this Consent Order pursuant to Section 120.68, F.S., and waives that right upon signing this Consent Order.

39. Upon notification by letter from Respondent that Respondent has met all of the terms and conditions of this Consent Order, the Department shall review the file and, if in agreement, notify Respondent by letter that the enforcement case is closed. If not in agreement, the Department shall notify Respondent by letter, and include the reasons for not closing the case. The Department's decision pursuant to this paragraph is subject to review by the filing of a petition for an administrative hearing under paragraph 35.

40. 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.

For Respondent:

March 23, 2006
Date

Steven B. Stanton, City Manager
City of Largo

201 Highland Avenue NE
Largo, FL 33770-2512

March 21, 2006
Date

Patricia Gerard, Mayor
City of Largo
201 Highland Avenue NE
Largo, FL 33770-2512

Attested to by the City Clerk
City of Largo

CITY OF LARGO CORPORATE SEAL 1905 FLORIDA

ASST. CITY ATTORNEY

Reviewed and approved by
for Alan Zimmet, City Attorney

DONE AND ORDERED this 6 day of April, 2006, in Hillsborough County, Florida.

State of Florida Department
of Environmental Protection

Deborah A. Getzoff
District Director
Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619-1352

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

4/10/06
Date

Carolyn E. Armstrong
Clerk

Attachment: Exhibit I

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Facilities Management Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME:	City of Largo	PERMIT NUMBER:	FL0026603-001-DW1P		
MAILING ADDRESS:	P.O. Box 296 Largo, FL 33779-0296	MONITORING PERIOD **From:**	_____	**To:**	_____
		LIMIT:	**Interim**	REPORT:	Monthly
		CLASS SIZE:	Major	GROUP:	Domestic
FACILITY:	City of Largo WWTF	PLANT SIZE/TREATMENT TYPE:	IA		
LOCATION:	5100 150 th Ave. Largo, FL 33779-0296	FACILITY ID:	FL0026603-001-DW1P	WAFR SITE NO.:	29751
		DISCHARGE POINT NUMBER:	D001		
		Three Month Rolling ADF:	__% of permitted capacity		
COUNTY:	Pinellas			DMR generated: 12/05	

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement										
STORET No. 50050 Y Mon.Site No. EFD-01-29746	Permit Measurement	15.0 (An.Avg.)		mgd						Monthly	Calculation
Flow	Sample Measurement										
STORET No. 50050 1 Mon.Site No. EFD-01-29746	Permit Measurement	Report (3Mo. Avg.)	Report (Mo.Avg.)	mgd						Continuous	Flow Meters
CBOD5	Sample Measurement										
STORET No. 80082 Y Mon.Site No. EFD-01-29746	Permit Measurement				5.0 (An.Avg.)			mg/L		Monthly	Calculation
CBOD5	Sample Measurement										
STORET No. 80082 1 Mon.Site No. EFD-01-29746	Permit Measurement				6.25 (Mo.Avg.)	7.5 (Wkly. Avg.)	10.0 (Max.)	mg/L		Daily	24-hour FPC
TSS	Sample Measurement										
STORET No. 00530 Y Mon.Site No. EFD-01-29746	Permit Measurement				5.0 (An.Avg.)			mg/L		Monthly	Calculation
TSS	Sample Measurement										
STORET No. 00530 1 Mon.Site No. EFD-01-29746	Permit Measurement				6.25 (Mo.Avg.)	7.5 (Wkly. Avg.)	10.0 (Max.)	mg/L		Daily	24-hour FPC
pH	Sample Measurement										
STORET No. 00406 1 Mon.Site No. EFA-01-14537	Permit Measurement				6.5 (Min.)		8.5 (Max.)	S.U.		Continuous	Meter

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED	TELEPHONE NO	DATE (YY/MM/DD)

*Rolling Annual Average is the average of the current month's average and the preceding 11 month's monthly average

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY NAME: City of Largo | PERMIT NUMBER: FL0026603-001-DW1P | DISCHARGE POINT NUMBER: D001 | WAFR SITE No.:29751

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Fecal Coliform Bacteria	Sample Measurement										
STORET No. 31615 1 Mon.Site No. EFA-01-14537	Permit Measurement				Non Detectable (75 Percent)		25 (Max.)	#/100mL		Daily	Grab
TRC for disinfection	Sample Measurement										
STORET No. 50060 A Mon.Site No. EFA-01-14537	Permit Measurement				1.0 (Min.)			mg/L		Continuous	Meter
TRC for dechlorination	Sample Measurement										
STORET No. 50060 1 Mon.Site No. EFD-01-29746	Permit Measurement						0.01 (Max.)	mg/L		Daily	Grab
Nitrogen	Sample Measurement										
STORET No. 00600 Y Mon.Site No. EFD-01-29746	Permit Measurement				3.0 (An.Avg.)			mg/L		Monthly	Calculation
Nitrogen	Sample Measurement										
STORET No. 00600 1 Mon.Site No. EFD-01-29746	Permit Measurement				3.75 (Mo.Avg.)	4.5 (Wkly. Avg.)	6.0 (Max.)	mg/L		Daily	24-hour FPC
Oxygen, Dissolved (DO)	Sample Measurement										
STORET No. 00300 1 Mon.Site No. EFD-01-29746	Permit Measurement				5.0 (Min.)			mg/L		Daily	Grab
Copper, Total Recoverable	Sample Measurement										
STORET No. 01119 1 Mon.Site No. EFD-01-29746	Permit Measurement						See Calculation Below *	µg/L		Quarterly	Grab
Hardness, as CaCO3	Sample Measurement										
STORET No. 00900 1 Mon.Site No. EFD-01-29746	Permit Measurement						Report	mg/L		Quarterly	Grab
Bromodichloromethane	Sample Measurement										
STORET No. 32101 Y Mon.Site No. EFD-01-29746	Permit Measurement				30.0 (An. Avg.)			µg/L		Monthly	Calculation
Bromodichloromethane	Sample Measurement										
STORET No. 32101 1 Mon.Site No. EFD-01-29746	Permit Measurement					Report (Mo. Avg.)		µg/L		Monthly	Grab

* Copper limit: $Cu \leq e^{(0.8545\,[\ln H] - 1.465)}$

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY NAME: City of Largo | PERMIT NUMBER: FL0026603-001-DW1P | DISCHARGE POINT NUMBER: D001 | WAFR SITE No.: 29751

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Ammonia (as N)	Sample Measurement										
STORET No. 71845 1 Mon.Site No. EFD-01-29746	Permit Measurement					2.0 (Mo. Avg.)	3.0 (Wkly. Avg.)	mg/L		Daily	24-hour FPC
Unionized Ammonia	Sample Measurement										
STORET No. 00612 1 Mon.Site No. EFD-01-29746	Permit Measurement						0.02 (Max.)	Mg/L		Daily	Calculation
Temperature	Sample Measurement										
STORET No. 00010 1 Mon.Site No. EFD-01-29746	Permit Measurement					Report (Mo.Avg.)	Report (Max.)	°C		Daily	Grab
Flow (Total Plant)	Sample Measurement										
STORET No. 50050 G Mon.Site No. INF-01-29745	Permit Measurement		Report (Mo.Avg.)	mgd						Continuous	Flow Meters
Flow (Total Plant)	Sample Measurement										
STORET No. 50050 G Mon.Site No. INF-01-29745	Permit Measurement		18.0 (An.Avg.)	mgd						Monthly	Calculation
CBOD5 (Influent)	Sample Measurement										
STORET No. 80082 G Mon.Site No. INF-01-29745	Permit Measurement					Report (Mo.Avg.)		mg/L		Weekly	24-hour TPC
TSS (Influent)	Sample Measurement										
STORET No. 00530 G Mon.Site No. INF-01-29745	Permit Measurement					Report (Mo.Avg.)		mg/L		Weekly	24-hour TPC

Memorandum

Florida Department of Environmental Protection

PENALTY COMPUTATION WORKSHEET

Violator's Name: City of Largo

Identify Violator's Facility: Largo AWWTF

Name of Department Staff Responsible for the Penalty Computations: Michele Duggan

Date: March 5, 2003

Part I - Penalty Determinations

Violation Type	ELRA Schedule	Potential for Harm	Extent of Deviation	Matrix Amount	Multi-day	Adjust-ments	Total
Failure to meet permit limits of effluent quality standards	na	major (1)	major (2)	$8,000.00	+9 @$1,000.00		$17,000.00
Subtotal							$17,000.00
Part II adjustments							
DEP costs						$2,000.00	$2,000.00

Total penalties and costs for all violations: $19,000.00

Part II - Multi-day Penalties and Adjustments

ADJUSTMENTS: DOLLAR AMOUNT:

Good faith/Lack of good faith prior to discovery: _____

Justification: _____

Good faith after discovery: _____

History of non-compliance: _____

Justification: _____

Economic benefit of non-compliance: Considered, but not appropriate in this case.

Justification: _____

Ability to pay: _____

Justification: _____

Total Adjustments:

MULTI-DAY PENALTIES DOLLAR AMOUNT: $9,000.00

Number of days adjustment factor(s) to be applied: nine additional exceedances

Justification: _____

Or

Number of days matrix amount is to be multiplied: _____

Justification: _____

Part III - Other Adjustments Made After Meeting with the Responsible Party

ADJUSTMENTS	DOLLAR AMOUNT
Relative merits of the case:	
Resource considerations:	
Other justification:	

Date

Deborah A. Getzoff
Director of District Management
Southwest District

PENALTY ASSESSMENT MATRIX

EXTENT OF DEVIATION FROM REQUIREMENT

POTENTIAL FOR HARM	MAJOR	MODERATE	MINOR
MAJOR	$8,000-10,000	$6,000-7,999	$4,600-5,999
MODERATE	$3,200-4599	$2,000-3,199	$1,200-1,999
MINOR	$600-1,199	$200-599	$100-199