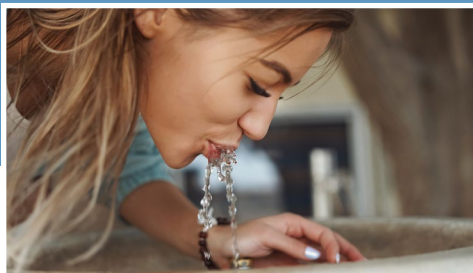


ORLANDO'S ONGOING WASTEWATER PROBLEMS

It's Time for Florida Department of Environmental
Protection to Take Meaningful Action



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THIS SERIES

The need to control Florida's algal blooms from rural agricultural runoff, ruptured septic systems and outdated urban sewage and wastewater treatment systems is so significant that the state passed major legislation in the spring of 2020. The potential effectiveness of the new regulations is the subject of much debate as much of the monitoring is voluntary, not mandatory. Wastewater facilities are particularly important because there are hundreds of them across the state that discharge to Florida's surface waters, i.e. rivers, streams, and lakes. These discharges can sometimes make their way from these waterbodies to the Gulf of Mexico and the Atlantic Ocean. The contaminants in these discharges fuel algal blooms in those waters. In addition, it is not uncommon for the sewers that carry raw sewage to these facilities to illegally discharge that raw sewage into not only surface waters, but also onto the streets and wetlands that are often frequented by the public. These risks are often exacerbated by tropical systems, including hurricanes, which on average have become more intense with climate change. These discharges violate the wastewater permits issued to these facilities, and they also pose health risks to both the public and wildlife. With that in mind, in this series we examine some wastewater facilities in Florida to assess their performance over the past few years. The facility examined here serves the City of Orlando.

During the past five years, Orlando's major wastewater treatment facility has been responsible for nearly 200 sewage overflows spewing 3.4 million gallons into both local surface waters and wetlands, but also onto city streets. In addition to spills of raw untreated sewage, the facility routinely violates its treatment permit limits, discharging large amounts of excess pollutants that feed the algal blooms plaguing Florida's waters. Besides the damage to the environment, the sewage spills pose a human health risk as mounting evidence shows that the COVID-19 virus persists in human waste. These risks are magnified by tropical systems, including hurricanes, which have become more intense with climate change.

SUMMARY

We begin our review of the Orlando Facility (Facility) in 2014. In that year, the Facility was the subject of a December 2014, consent order (Consent Order). When violations are found at regulated facilities such as this, the Florida, Department of Environmental Protection (FDEP) enters into settlement agreements called consent orders that are designed to correct the violations and bring the subject facilities back into compliance. The Orlando Facility was no exception. Because of multiple permit violations, the 2014 Consent Order directed improvements to be performed and assessed civil penalties. Normally, after consent orders take effect, we see compliance improvements at a facility. However, in this case, the violations continued. The FDEP discovered these violations through discharge monitoring reports (DMRs),¹ compliance evaluation

inspections (CEIs) and notifications of sanitary sewer overflows (SSOs).

Our first examination is into the CEIs, which evaluate the way a facility is maintained, the accuracy of its monthly reporting, equipment problems, effluent quality, groundwater quality, biosolids production and sanitary sewer overflows. After the inspection, the facility is given a rating and a decision is made about what action should be taken against a facility that has been found to be in noncompliance.

With this Facility, multiple violations have been found with every CEI that has been performed. The violations include:

- Exceeding permitted levels of toxic and infectious materials to be discharged in liquid waste effluent,² called exceedances. The parameters exceeded were:
 - Total Phosphorus (TP) (a nutrient that contributes to algal blooms)
 - Total Nitrogen (TN) (a nutrient that contributes to algal blooms)
 - Fecal Coliform (bacteria found in feces)
 - Total Suspended Solids (TSS) (harmful to health and aquatic life)
 - Total Dissolved Solids (TDS) (improper levels affect the treatment process in a wastewater plant)
 - Ammonia (a form of nitrogen that can cause excessive nutrient levels in the environment, contributing to algal blooms)
 - Silver (excessive amounts can inhibit wastewater treatment and also be harmful to public health)
 - pH (a measure of acidity)
 - Total Residual Chlorine (TRC) (TRC is used to kill harmful bacteria)
- Record-keeping violation (overdue filing of report)
- Failure to maintain the site properly (broken equipment, wastewater leaks due to improper maintenance)
- Multiple groundwater exceedances. Those exceedances included:
 - Fecal Coliform
 - Total Dissolved Solids
 - pH

¹DMRs are monthly reports submitted by facilities to the FDEP. These reports include an itemized listing of each contaminant discharged by the facility and the levels of the contaminant that was found in the facility's effluent. If the contaminant levels exceed what is authorized in the facility's permit it is called an "exceedance" and is, in turn, a violation of the facility's permit.

²Effluent is described in 62-600.200 (22), F.A.C. (the FDEP's administrative rule governing these permits) as "... water that is not reused after flowing out of any plant or other works used for the purpose of treating, stabilizing, or holding wastes."

The FDEP has conducted CEIs of this Facility four times since March 2015. In **every** inspection, effluent quality has been significantly non-compliant. The facility itself was found to be in “significant” non-compliance in three out of the four inspections. Even the fourth and most recent inspection that found the facility to be merely in “general” non-compliance actually had the same level of violations as in the other three reports. The only apparent difference was that a different inspector was responsible for the most recent inspection.

The other critical area in the proper functioning of wastewater facilities is that of sanitary sewers. Sanitary sewers take raw, untreated, sewage from homes and businesses and transport that sewage to the main wastewater facility where it is treated. The sewer lines that transport the sewage are often decades old and can break, sometimes on their own and sometimes because of workers who unintentionally break them during construction operations.

In addition, the sewage is typically forced to move along the sewer lines by the use of pumps at strategically placed lift stations. Should the pumps in these lift stations malfunction, the sewage will build up and often be forced into the street through manhole covers. Once in the street, the untreated sewage can come into contact with the public. Sometimes the sewage goes directly into surface waters where the public can also come into contact with it when participating in water-related recreational activities. Regardless of the point of discharge, each of these events is known as a SSO.

The Florida Department of Environmental Protection has conducted Compliance Evaluation Inspections four times at the Orlando Facility since March 2015. In every inspection, effluent, or wastewater, quality discharged into surface waters has been significantly non-compliant.

SSOs contain a variety of different pathogens and other contaminants that are [harmful to the public](#). Pathogens are disease-carrying microorganisms that are harmful to human health. These include bacteria (such as the fecal coliform bacteria), parasites, and viruses such as polio and hepatitis. SSOs are of particular concern at present because of the COVID-19 pandemic. It is currently believed that COVID-19 does not survive the wastewater treatment process. However, SSOs typically involve the discharge of raw sewage that has not been treated. Studies are quite concerning on this issue because we are now learning that COVID-19 can survive in fecal matter.

When we examined sanitary sewer overflows, we found that the Orange County Utilities Department (OCUD) has reported 197 SSOs since January 2015, releasing roughly 3.4 million gallons of unauthorized, illegal sewage. The FDEP did not enforce any violation. Governor Ron DeSantis promised heightened clean water vigilance when he took office in 2019. But even after a 275,000-gallon overflow, the FDEP took no enforcement action against the OCUD.

THE PERMITS

Prior to issuing a permit, the FDEP issues a “Fact Sheet” that gives the public an indication of the overall facility’s status, and then summarizes the conditions of the permit that the FDEP expects to issue. It is accompanied by a “draft permit” for the public to review, and the permit applicant is required to publish a notice in the local newspaper that tells the public that the draft permit has been issued. The idea is that the public, upon seeing the notice in the newspaper, can go to the FDEP and review the Fact Sheet and draft permit. Then, if a member of the public sees cause for concern, he or she can go to the Department of Administrative Hearings and file a petition to challenge the FDEP’s decision to issue the new permit. If no petition is filed, the FDEP will issue a “final permit,” which contains the same terms as the draft permit. This is the process that the FDEP followed when it issued the OCUD permit.

The Orlando Facility is operated by the OCUD. The Facility operates under a National Pollutant Discharge Elimination (NPDES) permit number FLO038849 (Permit). The two most recent permits were issued on October 24, 2014, (for purposes of this paper we will refer to this permit as the 1st Permit, although it was a renewal of a pre-existing permit) with the most recent having been issued on March 24, 2020 (2nd Permit). The 2nd Permit expires on March 23, 2025.

The Orange County Utilities Department has reported 197 sanitary sewer overflows since January 2015, releasing roughly 3.4 million gallons of unauthorized sewage, mostly in and around pump stations.

The 1st Permit authorized the Facility to operate with a permitted capacity of 19.0 million gallons (MGD) annual average daily flow (AADF). This means that the Facility is considered to be a major discharger under the U.S. Clean Water Act (CWA). At the time that the 1st Permit was issued it acknowledged that ongoing construction at the Facility would result in a subsequent treatment capacity from 19.0 to 24.0 MGD AADF. The Facility is authorized to discharge treated effluent to the Econlockhatchee River, a designated Outstanding Florida Water.³ Reclaimed water⁴ is also allowed via a Wetland System that is a mixture of man-made and natural wetlands. Ultimately, the treated effluent can discharge to an unnamed creek that is also part of the Econlockhatchee River. Land application of reuse/reclaimed water is also authorized.

³ Outstanding Florida Waters are waterbodies that, pursuant to § 403.061(27), Fla. Stat., are entitled to “special protection because of their natural attributes.” According to 62-302.700(1) F.A.C., (1), [i]It shall be the Department policy to afford the highest protection to Outstanding Florida Waters and Outstanding National Resource Waters.”

⁴ [According to the FDEP](#), “Reclaimed water” means water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility. Reuse means the deliberate application of reclaimed water for a beneficial purpose.”

There are no TMDLs⁵ or mixing zones⁶ associated with this 1st Permit. Although the Econlockhatchee River is a legally impaired waterbody (meaning that the FDEP has been found excessive amounts of contaminant(s) in the water), the Facility's discharge does not include contaminants in levels that, based upon its history, would contribute to the impairment.

The FDEP just recently issued the 2nd Permit. As expected, it authorizes the Facility to operate with a capacity of 24.0 MDG AADF. The surface water and reclaimed water discharges have been maintained and, like the 1st Permit, there is no TMDL or mixing zone. However, because a consent order had been entered within months of issuance of the 1st Permit, it was "included" with the 2nd Permit. That consent order imposed interim limits for annual average concentrations of TN and TP because of prior exceedances. The 2nd Permit also included an Administrative Order (AO) because of silver exceedances at the Facility. The AO imposed interim limits for silver. The Fact Sheet that was issued with the draft permit and 2nd Permit did not discuss other permit violations.

The Orlando facility has had multiple effluent violations of Total Nitrogen (TN) and Total Phosphorous (TP) over the years. TN and TP are major contributors to nutrient overloading in Florida's waterbodies. These nutrients are largely responsible for Florida's algal blooms, which can produce extremely dangerous toxins that can sicken or kill people and animals, create dead zones in the water, raise treatment costs for drinking water, and hurt industries that depend on clean water.

COMPLIANCE INSPECTIONS AND ENFORCEMENT

The term, significant non-compliance (SNC), is a term of art in environmental regulation. It is the lowest rating that can be given to a facility that is being inspected. This Facility has a long history of CEIs that have rated it as being in significant non-compliance. In fact, two years before the FDEP renewed its existing permit in 2014, the FDEP had conducted a CEI at which time it rated the Facility as being in SNC. This was due in large part because of multiple effluent violations of TN and TP limits. While TP is the

⁵ TMDLs are Total Maximum Daily Loads that limit the amount of certain pollutants that can be discharged into a waterbody that is known to be impaired because of the pollutant limited by the TMDL. TMDLs are typically used when the FDEP finds that a waterbody is impaired because multiple wastewater facilities are discharging the same pollutant into that waterbody. By setting TMDLs, the FDEP effectively limits the discharge of the pollutant from each facility, thereby reducing the overall amount of the pollutant in the waterbody.

⁶ Mixing zones are geographical areas surrounding the point at which effluent is discharged into the surface water. If a mixing zone is established it is done so for a contaminant that, for various reasons, the facility is unable to reduce to levels that will not harm the surface water. The purpose of the mixing zone is to allow the facility's effluent to be diluted by the surface water, thereby ultimately reducing the concentration of the subject pollutant. Consequently, the pollutant level at the edge of the mixing zone is supposed to be low enough so that it does not harm the surface water outside of the mixing zone.

primary offender, both it and TN are major contributors to nutrient overloading in Florida's waterbodies. These nutrients are largely responsible for algal blooms, such as Florida experienced in 2019. When the December 14, 2012, inspection was sent to OCUD, the FDEP sent it to OCUD with a Compliance Assistance Offer (CAO) that effectively waived formal enforcement.

FDEP inspectors did not return to the Facility until after the existing NPDES permit was renewed on October 24, 2014 (the 1st Permit). Looking back at the permitting process, we found that, according to Oculus⁷, the FDEP filed its notice of intent to issue a renewal permit, i.e. the 1st Permit, on October 3, 2014. The public, under the terms of the notice, was given 14 days to challenge the terms of that 1st Permit. The Fact Sheet that attended the notice only mentioned that there were "issues" with TP (Section 2., Surface Water Discharge) and that a Warning Letter had been sent to OCUD in June 2014. The Fact Sheet also alluded to a consent order that was being negotiated to resolve that issue. The public was given no indication that, in fact, the Facility had been rated as being in significant non-compliance. And even though the public was given only 14 days to challenge the permit, the notice was not published in the *Orlando Sentinel* until October 10, 2014, seven days before the actual deadline.⁸ When the deadline expired, the FDEP issued the final permit.

The consent order that was mentioned in the Fact Sheet was issued on December 30, 2014, two months after the FDEP issued the 1st Permit. That consent order (Consent Order) was a long-form consent order that as assigned case number 14-0475. Paragraph 4 of the Consent Order identified not only the TP violations identified in the December 2012 CEI, but other TP violations as well. It also noted violations of the Facility's flow limits, but it said nothing about the TN violation identified in the CEI. Nothing was stated with respect to the noncompliance status of the groundwater violation for fecal coliform, or the violations of the recordkeeping requirements and inadequate site maintenance. The Consent Order gave OCUD "Interim Limits" for TP discharges that were more lenient than the limits established in the 1st Permit that had been issued barely two months earlier. Those lax limits were to remain in effect until September 30, 2018.⁹ OCUD was also obligated to pay a civil penalty of \$9,000 plus \$1,000 in costs for its prior violations.¹⁰ Paragraph 12 of the Consent Order also obligated OCUD to pay stipulated penalties of \$500/day for every future TP violation and/or other violations of the Consent Order.¹¹ However, it was the FDEP's responsibility to demand payment of those stipulated penalties, should the violations occur.

⁷ Oculus is the FDEP's online public data retrieval platform.

⁸ That notice told the public that a challenge could be filed within 14 days of the written notice, presumably the published notice in the *Orlando Sentinel*, which would have meant that a challenge could have been lodged up until October 24, 2014, the date of the actual permit issuance.

⁹ Paragraph 5 (c), Consent Order.

¹⁰ Paragraph 9, Consent Order.

¹¹ Since the Consent Order didn't address TN violations, groundwater violations, site violations or records violations, any future violations of those parameters would not qualify for stipulated penalty assessment.

The FDEP's next inspection took place on March 18, 2015, little more than two months after the Consent Order had been entered. The inspector again found the Facility to be in significant non-compliance. The SNC rating for the CEI appears to largely be due to effluent quality, which was again rated SNC. There were 6 fecal coliform violations, 3 TN violations and 1 TSS violation, all from DMRs that OCUD had submitted as part of its required reporting under the terms of the 1st Permit. However, groundwater was also rated as being in non-compliance, and "minor non-compliance" ratings were given to the Facility site review and the records & reports maintained by the Facility. In spite of these findings, the cover letter attached to the report says that the noncompliance was resolved. The FDEP took no further action.

Two and a half years later, on August 28, 2017, the FDEP conducted another CEI of the Facility. Once again, the agency rated the Facility as being in SNC. This was the third straight finding of significant non-compliance since early 2014. And like before, the poor effluent quality was the main issue. Since the previous CEI, the Facility's DMRs had recorded 15 TN exceedances, 4 ammonia exceedances, 7 fecal coliform exceedances, 1 TRC exceedance, 1 TSS exceedance, and 1 TP exceedance. The DMRs also revealed 8 exceedances of TDS in the groundwater tests, and 3 fecal coliform exceedances. In addition to the 29 effluent exceedances and 11 groundwater exceedances, the FDEP found violations due to lack of equipment calibration, and leaks in the troughs and clarifier walls. Upon concluding the inspection, the FDEP sent a CAO to the Facility, again waiving formal enforcement.

Although the FDEP sent a CAO to OCUD after the August 28, 2017, inspection, it did enter into negotiations sometime thereafter because of recurring violations of both TP and TN. The negotiations ended on January 23, 2018, when the parties entered into an amendment to Consent Order 14-0475. This amendment (Amended Consent Order) added sub-paragraphs (f) through (j) to Paragraph 4. These sub-paragraphs recounted 5 violations of the TP interim limits¹² in 2017, as well as 2 monthly average exceedances of TN in 2015-2016, 3 weekly average exceedances of TN in 2016 and 2017, and 7 annual average exceedances of TN in 2017. All of the TN exceedances were violations of the 1st Permit. There was no mention of the other 1st Permit violations that had been found at the Facility. This is somewhat odd, because the FDEP had already given OCUD a CAO for the TN violations, so theoretically they would not have been included in the Amended Consent Order. It further does not explain why the remaining violations identified during the post-Consent Order CEIs were not covered. The one, and most likely, explanation is that the TN violations identified in the Amended Consent Order were additional violations that were not covered during the CEIs. In any event, the Amended Consent Order did not assess any stipulated penalties for the TP violations, and it assessed no penalties for any of the TN violations. It did give OCUD interim, i.e. more relaxed, limits for future TN discharges.

¹² The interim limits were more relaxed, meaning that higher levels of TP could be discharged into Florida's surface waters.

The FDEP waited another year and a half before conducting another CEI. This latest CEI took place on April 1, 2019. The rating, for the fourth straight time, was SNC. Effluent quality was the prime offender. This time there were 7 exceedances of fecal coliform limits, as well as 1 exceedance of TSS and 1 exceedance of the pH maximum. Groundwater exceedances were also found: 10 were for fecal coliform levels and 4 were for exceedances of TDS limits. This CEI also noted, and found to be violations, 64 sanitary sewer overflows between March 2018 and March 2019. The FDEP's approach to these results was the same. It sent OCUD a letter stating that the violations had been "corrected." No further action was taken.

Five months later, on September 5, 2019, the FDEP sent a warning letter to OCUD. The warning letter listed three SSOs, one of which totaled 275,000 gallons. Warning letters are typically sent to permittees as an indication of the initiation of formal enforcement. The remaining two SSOs totaled 450 gallons. All three of them occurred in August, four months after the last CEI. The warning letter notified OCUD that it expected a response from the permittee within 15 days detailing the cause of the SSOs and corrective actions taken. Thus far, no further "enforcement" has been taken.

The parties entered into another amendment on November 09, 2019. This Second Amended Consent Order granted OCUD more time to bring the TP discharges into compliance with its Permit. The weekly and monthly interim

limits were extended to June 30, 2019, and the annual interim limit was extended to June 30, 2020. June 30, 2020 (another extension), was also set as the deadline for all corrective actions to be completed at the Facility.

On November 20, 2019, eleven days after the Second Amended Consent Order was entered into (and seven and a half months after the last CEI was conducted), the FDEP conducted another CEI. This CEI was handled by a different inspector than the inspector who had conducted the prior four inspections, but the results were similar. This time, the overall rating was Out-of-Compliance, as opposed to SNC, even though effluent quality was again rated SNC. Groundwater and SSOs were also found to be in non-compliance. The effluent violations were for 9 TN exceedances and 2 Fecal Coliform exceedances. Groundwater was rated as being in non-compliance because of 37 pH exceedances (all of which were below the minimum required pH of 6.5), 3 TDS exceedances, and 2 Fecal Coliform exceedances. There were also six SSOs that were identified during this seven and a half month time period. However, there were three other SSOs in August 2019, one of which totaled 275,000 gallons, that were not mentioned in the November CEI. There were also two other SSOs, one on September 5, 2019 (400 gallons), and the other on October 24, 2019 (500 gallons), that were not listed on the CEI.

The public records concerning the OCUD Facility show that the Facility is hopelessly engaged in a state of perpetual noncompliance. However, they also show that the administrative agency responsible for its oversight has been missing in action during this time.

The FDEP followed the November CEI with another warning letter. This one was issued on December 26, 2019. Like the previous warning letter, it gave OCUD fifteen days to provide the FDEP with an explanation for the violations and the corrective actions taken. OCUD responded on January 17, 2020, by denying and explaining the violations. To date there is no indication that the FDEP has taken any other enforcement.

SANITARY SEWER OVERFLOWS

Sanitary sewer overflows occur for a number of different reasons. Lift station pumps can malfunction, pipes can break, high pressure valves can break, and operators can make mistakes that result in raw sewage being discharged into the streets or into retention ponds or surface waters. Likewise, reclaimed water lines can malfunction causing the same issues. Regardless, the bottom line is that the public and sometimes Facility employees are exposed to these contaminants. Indeed, the NPDES permits that are issued to each wastewater facility prohibit such discharges. These permits require each facility to maintain its equipment in proper working order.

Today, SSOs are of particular concern because of the COVID-19 pandemic. [Studies have](#) shown that COVID-19 survives in fecal matter outside the human body. When this fecal matter is disposed of via wastewater the potential exists for COVID-19 to be transmitted to anyone coming into contact with that wastewater. It is currently believed that COVID-19 does not survive the wastewater treatment process. However, SSOs typically involve the discharge of raw sewage that has not been treated. Studies are currently being conducted to determine whether or not this poses a danger to the public, beyond the other dangers posed by contact with untreated sewage. These SSOs therefore pose a very real health problem for the public, not to mention the environmental destruction that they can cause.

Sanitary Sewer Overflows (SSOs) are of particular concern because of the COVID-19 pandemic. SSOs typically involve the discharge of raw sewage. Because studies show that COVID-19 survives in fecal matter outside the human body, heighten scrutiny of the health risks posed by all SSOs is warranted.

Despite the environmental and health risks associated with SSOs, throughout Florida the FDEP has historically treated them as nothing more than a nuisance. The same is true for the OCUD Facility. Since January 1, 2015, this Facility has had 182 SSOs, which is slightly less than three overflows each month.

OCUD is required to report each SSO to the FDEP. Each of these notices is supposed to include the number of gallons that were illegally discharged by the facility, although some of the gallons claimed are, in fact, estimates. Likewise, most of the notices also tell the FDEP how much of the discharge was recovered

by the facility. The notices do not, however, tell the FDEP whether or not the public (or facility employees) has actually come into physical contact with each discharge. Florida maintains a [public accessible site](#) that enables the public to receive notices whenever the overflows occur. Consequently, Florida PEER has been able to obtain each notice filed by OCUD concerning these SSOs.

As noted above, since January 1, 2015, the Facility has been responsible for 197 SSOs that we know of. All but one of the 197 SSOs have involved the discharge of raw sewage. According to the notices filed by OCUD, these discharges total at least 3,484,998 gallons, with roughly 2,530,076 gallons having been recovered. For the most part, these discharges have occurred at, or in the vicinity of, lift stations. Some have occurred at the site of the Facility itself. A small number of the discharges went to surface waters such as Lake Conway, Lake Hill, Little Econ River, Lawne Lake, and/or drainage canals. Since October 9, 2018, there have been 6 SSOs that exceeded 100,000 gallons (3 in 2019 exceeded 250,000 gallons each).

The FDEP's response to these overflows has been to act as if nothing is happening. Indeed, since Governor DeSantis took office, the agency, in what appears to be a statewide practice, has been studiously putting memos of nonenforcement in the Facility's file stating that it views each overflow as causing no environmental harm and that it is therefore taking no enforcement. Since June 2019, the FDEP has filed 18 such memos waiving enforcement for overflows committed by this Facility.

Florida Department of Environmental Protection's Response has been to act as if nothing is happening. Since June 2019, it has put 18 memos of nonenforcement in the Orlando facilities file stating that it views each overflow as causing no environmental harm.

CONCLUSIONS AND RECOMMENDATIONS

The horrendous algal blooms that have plagued Florida, as well as the tropical systems each year were undoubtedly responsible for Governor DeSantis' early [claims](#) that he would restore environmental protections to Florida's waterbodies. His purported concern about the environment was heartily welcomed after his predecessor's near total assault on environmental issues for the eight years that he was in office.

The OCUD Facility is one that has a history of being in continual significant non-compliance over the course of the past four years. This non-compliance results in discharges of nutrient-laden wastewater to surface waters. In addition, there have been almost 200 sewer overflows that pose yet further health and environmental risks to the public and Facility employees. These risks are simply not tolerable at time in which the public is faced with fighting the COVID-19 pandemic in Florida and around the world. The fact is that the FDEP has done little more than look the other way when it has discovered the hundreds of violations at

the Facility. Instead, it has been content to kick the can down the road by giving OCUD one extension after another before the Facility is required to fully comply with its permits and the state and federal regulations that govern every other wastewater facility in the state.

Serious changes that include meaningful enforcement of the 1st and 2nd Permits held by OCUD are long overdue. These changes include:

- The entry into a new consent order, identifying all violations, including SSOs, that have thus far not been the subject of formal enforcement;
- Require a complete study of the collection system that serves the OCUD Facility and demand repairs to be made by a reasonable date certain that is not subject to being extended;
- Assessing civil penalties for identified violations;
- Include a provision for stipulated penalties, at a higher dollar amount, to account for any future violations;
- Assess stipulated penalties for known TP and TN violations of the existing Consent Order;
- More frequent CEIs should be conducted to ensure that the Facility promptly returns to full compliance with its 2nd Permit.

The Orlando facility has been in continual significant non-compliance over past four years, discharging of nutrient-laden wastewater to surface waters. In addition, the system has had almost 200 sewer overflows, posing yet further health and environmental risks to the public and Facility employees. These risks are simply not tolerable at time in which the public is faced with fighting the COVID-19 pandemic in Florida and around the world. It is time for Florida to conduct meaningful oversight of this system.

The public records concerning the OCUD Facility show that the Facility is hopelessly engaged in a state of perpetual noncompliance. However, they also show that the administrative agency responsible for its oversight has been missing in action during this time, all too content to look the other way. We suspect that the problems at the Facility will not abate until such time as meaningful oversight and enforcement is conducted.

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