

## M E M O R A N D U M

**To:** Tom Harmer, Town Manager  
**From:** Isaac Brownman, Public Works Director  
**Report date:** March 30, 2021  
**Meeting date:** April 5, 2021  
**Subject:** Florida Department of Environmental Protection Consent Order  
OGC File No. 20-1261, In-Kind Projects and Consent Order  
Management

### **Recommended Action**

Approve Option 1 In-Kind Projects List to be transmitted to FDEP for review and approval.

### **Background**

The State of Florida Department of Environmental Protection (FDEP) and the Town of Longboat Key entered into a Consent Order on February 24, 2021 (OGC File No. 20-1261) as a result of the Town's 20" Force Main Leak in 2020. Sections 18 and 19 of the Order reference the Town paying \$188,382 consisting of \$187,382 civil penalty plus \$1,000 Administrative Costs, or as an alternative, the Town may elect to perform in-kind projects having a value of \$281,073 plus payment of \$1,000 in Administrative Costs.

The Town notified FDEP on March 3, 2021 of the Town's intent to perform in-kind projects to satisfy the civil penalty portion of the Order, and the notice was accepted by FDEP on March 4, 2021. The project criteria follows:

- Must be approved by the FDEP
- Can be "...environmental enhancement, environmental restoration, or a capital / facility project and may not be a corrective action requirement of the Order or otherwise required by law."
- FDEP may also consider "the donation of environmentally sensitive land" as in-kind.

A proposed project list needs to be submitted to FDEP by May 3, 2021. A list of potential in-kind projects follows:

### **Project 1 - Wet Well Lining - Master Lift Station "D" (Funded in FY 2021 CIP)**

- Scope: Bypass, clean, repair and line wet well (Dimensions: 20' x 20' x 20')
- Cost: \$182,000
- Completion Timeframe: 30 Days upon Notice-to-Proceed (NTP)
- Anticipated contractor: GML Coatings

- Benefits to the system: Maintain structural integrity and preserves the longevity of Master Lift Station D's wet well. Lining will further protect and prevent leaks due to corrosion caused by Hydrogen Sulfide (H<sub>2</sub>S) gases. It is important to note, all wastewater effluent on Longboat travels through this lift station.

**Project 2 - Portable 188-KW Generator – Master Lift Station “D” (Funded in FY 2021 CIP)**

- Scope: Replace existing 2006 back-up generator to Master Lift Station “D”
- Cost: \$100,000
- Completion Timeframe: 4 – 6 weeks upon NTP
- Anticipated contractor: Doosan/Pinnacle Central (Sourcewell Contract)
- Benefits to the system: Provides reliable, secondary (redundant) power capability to Master Lift Station D, the Town's primary lift station that pumps all wastewater effluent to Manatee County under Sarasota Bay and across the mainland. The station currently is fed by FPL electrical power and has a permanent generator onsite. This provides redundancy to both, and has been activated in the past.

**Project 3 - SCADA Panel and Pressure Monitor - Manatee County Southwest Water Reclamation Facility Master Meter Station (Funded in FY 2021 CIP)**

- Scope: Install new SCADA Panel and pressure monitoring gauge at Manatee County Southwest Water Reclamation Facility Master Meter Station
- Cost: \$9,500
- Production and Installation Timeframe: 16-weeks upon NTP
- Anticipated contractor: Barney's Pumps Inc.
- Benefits to the system: Allows the Town to remotely monitor wastewater meter flows and also pressure in real time of Longboat Key's Effluent Flow to Manatee County's facility. This will also allow the Town to trend pressure data against flows to develop baseline data of expected system pressure against typical flow rates.

**Project 4 - Wastewater Flow Meter - Master Lift Station D (Funded in FY 2021 CIP)**

- Scope: Install new 14” Electromagnetic Flow Meter
- Cost: \$22,000
- Production and Installation Timeframe: 16-weeks upon NTP
- Anticipated contractor: Endress & Hauser
- Benefits to the system: This meter is identical to Manatee County's Master Meter and will allow the Town compare meter reads and be alerted to any changes in readings. The meter is planned to be calibrated twice per year on the same or similar schedule to the Manatee County meter.

**Project 5 - Rehabilitation of Sewer Lines - Sanitary Sewer Main Cleaning and Inspection  
(Funded in FY 2021 CIP)**

- Scope: Cleaning and inspection of wastewater collection system in the area of the northern section of Longbeach Village (Longboat Dr. N., Longboat Dr. E., Longboat Ct., Russel St., and Fox St.)
- Cost: \$26,000
- Completion Timeframe: 30 Days upon NTP
- Anticipated contractor: Granite Inliner
- Benefits to the system: Cleaning and inspection provides data regarding the condition of the wastewater collection system for future repair or lining as needed.

**Project 6 - Bayfront Park Seawall Enhancement and Living Shoreline Study – Tentative Florida Fish and Wildlife Commission (FWC) and Sarasota Bay Estuary Program (SBEP) Partnership Project (Unfunded)**

- Scope: FWC in partnership with the Town would examine four (4) approaches to shorelines using Bayfront Park as a test area/pilot study. Examine shoreline consisting of: existing seawall, modified seawall with “Reef Wall” installed, an existing living shoreline of mangroves, and a proposed living shoreline with oyster bags installed. The original version of this project planned to install and examine 100-linear feet of each shoreline type, all at Bayfront Park.
- Total Project Cost: \$180,000 (2018 “ballpark” budget estimate)
  - Town Contribution: \$112,000
  - FWC Contribution: \$68,000
- Completion Timeframe: 3 years upon NTP (installation plus analysis)
- Anticipated contractor/partner: FWC
- Benefits to the system:
  - The overall goal is to determine if one of the shoreline options provides more ecological benefits than the others.
  - Includes Pre-Construction biological assessment, Contractor installation of materials and restore staging areas, and completion of biological assessments over a 3-year period post-construction
  - Challenges: it is currently unfunded, project details need to be refined based on new information, the original budget estimate needs to be further validated for 2021, permits may need to be updated, and partnership details need to be further addressed.

**Project 7 - Smart City Initiative – Use Wireless Technology in combination with a Buoy Device to gain real time Gulf and Bay data; potentially use UG infrastructure (Unfunded)**

- Scope: TBD – Data collection device, such as wave, weather and/or , Tide Buoy Wireless Data Collector installed on a Town streetlight pole. Fiber-optic cable to Town network. Consolidate data on website.
- Cost: Unknown - TBD
- Completion Timeframe: Unknown - TBD
- Anticipated contractor/partner: Unknown - TBD
- Benefits to the system:
  - Use technology and leverage Town infrastructure to obtain real-time, value added data from device deployment in Sarasota Bay and/or Gulf of Mexico.

The short-term challenges associated with this idea include a significant amount of due diligence required to determine a path forward with the right technology, value-added data to collect, cost for both device and smart/wireless infrastructure to support such. There is currently no design, no permits and no funding to implement. The Town has contacted Mote Marine and plans to contact the U.S. Coast Guard for an initial conversation on ideas. Buoy product examples: Sofar Ocean Technologies, AXYS Technologies Inc.

#### **Project 8 - Quick Pointe Nature Preserve Trail Loop (Unfunded)**

- Scope: Completion of combined boardwalk/shell path loop trail to connect to Gulf of Mexico Drive sidewalk.
- Cost: Unknown - TBD
- Completion Timeframe: Unknown - TBD
- Contractor: Unknown - TBD
- Benefits to the system: Completes trail loop through passive, natural recreation area

The short-term challenges with this idea are that there is no design, no permits and no funding.

#### **Project 9 - Donation of Environmentally Sensitive Land**

- Scope: Environmentally Sensitive Land Donation
- Cost: Must be appraised
- Benefit: Land donation can cover some or all of in-kind project cost.

#### **In-Kind Projects - Recommendations**

##### **In-Kind Project Option 1 (Fully funded infrastructure only)**

Because the projects are fully developed and funding is in place, Public Works recommends the following as primary in-kind project selections:

Lift Station “D” Wet Well Lining	\$182,000 (total project)
Lift Station “D” Generator	<u>\$100,000</u>
	\$282,000 > \$281,073

### **In-Kind Project Option 2 (Includes a potential Environmental Enhancement Project)**

If the Town Commission is interested in offering an environmental enhancement project, Public Works recommends the Bayfront Park Shoreline Project be proposed as a form of “alternative project” that the FDEP can consider but the Town would request additional time to implement as it requires additional design details and budget refinement, a dedicated funding source, and development of agreements between FWC and potentially the SBEP.

Lift Station “D” Wet Well Lining	\$106,000 (Prep and Coating only)
Lift Station “D” Generator	\$100,000
Bayfront Park Living Shoreline Study	<u>\$112,000</u>
	\$318,000 > \$281,073

In all cases, the consent order timelines for included projects involve the following timeframes:

- Submit in-kind project list to FDEP for approval:
  - May 3, 2021 (60-days)
- FDEP approval (including RAls and redress):
  - August 31, 2021 (120-days)
- Completion of in-kind projects:
  - February 2022 (180-days or per approved schedule)

In the event a project list is not approved by FDEP, including after making revisions or redressing, the Town will be responsible to pay the civil penalty in full.

### **Consent Order Schedule & Project Management**

The Town has engaged Carollo Engineers (Carollo) and Environmental Science Associates (ESA) to perform Sub-Aqueous Force Main Redundant Force Main feasibility and permitting projects. This team has all the data and information associated with the existing and future pipeline, and has also supported the Town throughout the leak discovery, repair and analysis efforts with firsthand knowledge and information.

Carollo will be the lead support agent tasked with handling the following engineering related items:

- Sanitary Sewer Overflow Response Plan (SORP)

- Corrective Action Plan
- Operations and Maintenance Manual (O&M)
- Quarterly Reporting

ESA will be a sub-consultant to Carollo and will be tasked with handling all environmental assessment, planning, oversight and monitoring of environmental restoration efforts, including:

- Uniform Mitigation Assessment Method (UMAM) Score Assessment
- Evaluation Summary
- Restoration Plan
- U.S. Army Corps Nationwide Permit 27 update
- Pre-construction/Construction Oversight for Road Removal and Area Restoration
- Physical Planting
- Environmental Maintenance & Monitoring Reports semi-annually for five (5) years

In addition, Carollo will be tasked with managing all Consent Order action item deliverables and schedules for both concurrent efforts. Carollo will develop a dual timeline illustrating all elements due to the FDEP and developing deliverable packages for both Carollo's work as well as ESA. Carollo will be available to support staff with Town Commission updates as needed. The Town will handle completion and reporting completion of the in-kind projects.

The Town will continue handling noticing, management of in-kind projects, purchase of mitigation bank credits (as applicable), and overall completion of Consent Order items.

### **Next Steps**

- Detailed Master Schedule - Production and Tracking
- Submit Cost Estimate (April 25) and Detailed In-Kind Project List (May 3)
- Submit all other deliverables in timely, professional manner
- Procure Contractor for Fill Road Removal & Topographic Restoration at appropriate timeframe at the leak location
- Quarterly Reporting

### **Staff Recommendation**

Approve Option 1 In-Kind Projects List to be transmitted to FDEP for review and approval

### **Attachments**

PowerPoint Presentation (Available from Town Clerk's Office)

**End of Agenda Item**