



## Environmental Investigation

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION  
5110 GANDY BLVD  
TAMPA FL 33611

Report Date / Time <b>10/13/2016 10:32:44 AM</b>	Report Number <b>ISR013257 (01)</b>	Report Case/Cad Number <b>FWSW16OFF014387 /FWTB16CAD026234</b>	Reporting Officer Rank / ID <b>INVESTIGAT / WN282</b>	Reporting Officer Name <b>FISHER, AMMON L</b>
Originating Agency ORI <b>FL0528000</b>	Reported to Agency Date <b>9/22/2016 11:46:21 AM</b>	Occur Date Range <b>09/22/2016 11:46:21 -</b>	Jurisdiction <b>State Waters</b>	Status: Clearance:
Offense Description <b>S91D DOMESTIC WASTE (SEWAGE)</b>				

### LOCATION(S)

County <b>PINELLAS</b>	Location Type <b>INCIDENT LOCATION</b>	Location Description <b>Tampa Bay</b>						
Street Number <b>1650</b>	Street <b>3RD AVE N</b>	Apt/Lot/Bldg	City <b>ST. PETERSBURG</b>	State <b>FL</b>	Zip Code	Phone Number	Ext.	

### INVESTIGATION

Type of Investigation	<b>S91D - Domestic Waste</b>
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### Person: ENVIRONMENTAL SPECIALIST

First Name <b>TODD</b>	Middle Name <b>EDWARD</b>	Last Name <b>BOSSO</b>	Suffix	Race <b>WHITE</b>	Sex <b>MALE</b>	Height <b>602</b>	Weight	Hair	Eyes
MNI # <b>FWC17MNI052104</b>	SSN	Date of Birth	Age	Place of Birth <b>, ,</b>	Drivers License or other ID	State <b>FL</b>	ID Type <b>E</b>		
Addresses <b>• BUSINESS / 5405 CYPRESS CENTER DR, TAMPA, FL 33609 /</b>									

### Person: WITNESS

First Name <b>RONALD</b>	Middle Name	Last Name <b>WALKER</b>	Suffix	Race <b>WHITE</b>	Sex <b>MALE</b>	Height	Weight	Hair	Eyes
MNI # <b>FWC17MNI052077</b>	SSN	Date of Birth	Age	Place of Birth <b>, ,</b>	Drivers License or other ID	State	ID Type		
Addresses <b>• BUSINESS / 1906 ARIANA BLVD, AUBURNDALE, FL 33823 /</b>									

### Person: WITNESS

First Name <b>WILLIAM</b>	Middle Name <b>J</b>	Last Name <b>MCKENNA</b>	Suffix	Race <b>WHITE</b>	Sex <b>MALE</b>	Height	Weight	Hair	Eyes
MNI # <b>FWC17MNI052078</b>	SSN	Date of Birth	Age	Place of Birth <b>, ,</b>	Drivers License or other ID	State	ID Type		
Addresses <b>• FACILITY / 4200 S 54TH AVE, ST. PETERSBURG, FL 33711 /</b>									

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**Person: REGULATORY INSPECTOR**

First Name <b>JEFF</b>	Middle Name	Last Name <b>GREENWELL</b>	Suffix	Race <b>WHITE</b>	Sex <b>MALE</b>	Height	Weight	Hair	Eyes
MNI # <b>FWC17MNI052079</b>	SSN	Date of Birth	Age	Place of Birth , ,	Drivers License or other ID		State	ID Type	
Addresses • <b>GOVERNMENT / 13051 TELECOM PKWY, TEMPLE TERRACE, FL 33637 /</b>									

**Person: COMPLAINANT**

First Name <b>CRAVEN</b>	Middle Name <b>RAY</b>	Last Name <b>ASKEW</b>	Suffix	Race <b>WHITE</b>	Sex <b>MALE</b>	Height <b>506</b>	Weight	Hair	Eyes
MNI # <b>FWC17MNI052105</b>	SSN	Date of Birth	Age	Place of Birth , ,	Drivers License or other ID		State <b>FL</b>	ID Type <b>E</b>	
Addresses • <b>FACILITY / 1160 NE 62ND AVE, FL 33702 /</b>									

**Person: MANAGER**

First Name <b>JOHN</b>	Middle Name	Last Name <b>PALENCHAR</b>	Suffix	Race <b>WHITE</b>	Sex <b>MALE</b>	Height	Weight	Hair	Eyes
MNI # <b>FWC17MNI052080</b>	SSN	Date of Birth	Age	Place of Birth , ,	Drivers License or other ID		State	ID Type	
Addresses • <b>GOVERNMENT / 1650 N 3RD AVE, ST. PETERSBURG, FL 33713 /</b>									

**Person: MANAGER**

First Name <b>GEORGE</b>	Middle Name <b>LANE</b>	Last Name <b>LONGLEY</b>	Suffix	Race <b>WHITE</b>	Sex <b>MALE</b>	Height <b>600</b>	Weight	Hair	Eyes
MNI # <b>FWC17MNI052106</b>	SSN	Date of Birth	Age	Place of Birth , ,	Drivers License or other ID		State <b>FL</b>	ID Type <b>E</b>	
Addresses • <b>GOVERNMENT / 1650 3RD AVE, ST. PETERSBURG, FL 33713 /</b>									

**Person: REGULATORY INSPECTOR**

First Name <b>MICHELE</b>	Middle Name <b>HENNESSY</b>	Last Name <b>DUGGAN</b>	Suffix	Race <b>WHITE</b>	Sex <b>FEMALE</b>	Height <b>508</b>	Weight	Hair	Eyes
MNI # <b>FWC17MNI052107</b>	SSN	Date of Birth	Age	Place of Birth , ,	Drivers License or other ID		State <b>FL</b>	ID Type <b>E</b>	
Addresses • <b>GOVERNMENT / 13051 N TELECOM PKWY, TEMPLE TERRACE, FL 33637 /</b>									

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**Person: WITNESS**

First Name <b>ADAM</b>	Middle Name	Last Name <b>COLBY</b>	Suffix	Race <b>WHITE</b>	Sex <b>MALE</b>	Height	Weight	Hair	Eyes
MNI # <b>FWC17MNI052081</b>	SSN	Date of Birth	Age	Place of Birth , ,	Drivers License or other ID	State	ID Type		
Addresses • <b>FACILITY / 4200 S 54TH AVE, ST. PETERSBURG, FL 33711 /</b>									

**Person: MANAGER**

First Name <b>JOHN</b>	Middle Name	Last Name <b>PARKS</b>	Suffix	Race <b>WHITE</b>	Sex <b>MALE</b>	Height	Weight	Hair	Eyes
MNI # <b>FWC17MNI052082</b>	SSN	Date of Birth	Age	Place of Birth , ,	Drivers License or other ID	State	ID Type		
Addresses • <b>GOVERNMENT / 1650 N 3RD AVE, ST. PETERSBURG, FL 33713 /</b>									

**Person: EMPLOYEE**

First Name <b>KYLE</b>	Middle Name <b>HAKON</b>	Last Name <b>SORIANO</b>	Suffix	Race <b>WHITE</b>	Sex <b>MALE</b>	Height <b>601</b>	Weight	Hair	Eyes
MNI # <b>FWC17MNI052108</b>	SSN	Date of Birth	Age	Place of Birth , ,	Drivers License or other ID	State <b>FL</b>	ID Type <b>E</b>		
Addresses • <b>FACILITY / 7500 N 26TH AVE, FL 33713 /</b>									

**Person: EMPLOYEE**

First Name <b>JANET</b>	Middle Name <b>GREGG</b>	Last Name <b>DEBIASIO</b>	Suffix	Race <b>WHITE</b>	Sex <b>FEMALE</b>	Height <b>507</b>	Weight	Hair	Eyes
MNI # <b>FWC17MNI052109</b>	SSN	Date of Birth	Age	Place of Birth , ,	Drivers License or other ID	State <b>FL</b>	ID Type <b>E</b>		
Addresses • <b>GOVERNMENT / 1650 N 3RD AVE, FL 33703 /</b>									

**Person: MANAGER**

First Name <b>SYLVIA</b>	Middle Name <b>ANN</b>	Last Name <b>ROSARIO</b>	Suffix	Race <b>H</b>	Sex <b>FEMALE</b>	Height <b>503</b>	Weight	Hair	Eyes
MNI # <b>FWC17MNI052110</b>	SSN	Date of Birth	Age	Place of Birth , ,	Drivers License or other ID	State <b>FL</b>	ID Type <b>E</b>		
Addresses • <b>FACILITY / 7500 N 26TH AVE, ST. PETERSBURG, FL 33713 /</b>									

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**Person: MANAGER**

First Name <b>JEFF</b>	Middle Name	Last Name <b>HILTON</b>	Suffix	Race <b>WHITE</b>	Sex <b>MALE</b>	Height	Weight	Hair	Eyes
MNI # <b>FWC17MNI052083</b>	SSN	Date of Birth	Age	Place of Birth , ,	Drivers License or other ID	State	ID Type		
Addresses • <b>GOVERNMENT / 13051 TELECOM PKWY, TEMPLE TERRACE, FL 33637 /</b>									

**Person: MANAGER**

First Name <b>GEORGE</b>	Middle Name <b>BLANE</b>	Last Name <b>CASSADY</b>	Suffix	Race <b>WHITE</b>	Sex <b>MALE</b>	Height <b>509</b>	Weight	Hair	Eyes
MNI # <b>FWC17MNI052111</b>	SSN	Date of Birth	Age	Place of Birth , ,	Drivers License or other ID	State <b>FL</b>	ID Type <b>E</b>		
Addresses • <b>GOVERNMENT / 1650 3RD AVE, ST. PETERSBURG, FL 33713 /</b>									

**Person: ENVIRONMENTAL  
SPECIALIST**

First Name <b>JOSE</b>	Middle Name	Last Name <b>JIMENEZ</b>	Suffix	Race <b>WHITE</b>	Sex <b>MALE</b>	Height	Weight	Hair	Eyes
MNI # <b>FWC17MNI052084</b>	SSN	Date of Birth	Age	Place of Birth , ,	Drivers License or other ID	State	ID Type		
Addresses • <b>BUSINESS / 5405 CYPRESS CENTER DR, TAMPA, FL 33609 /</b>									

**Person: MANAGER**

First Name <b>CHARLES</b>	Middle Name <b>RICKER</b>	Last Name <b>WISE</b>	Suffix <b>J</b>	Race <b>WHITE</b>	Sex <b>MALE</b>	Height <b>507</b>	Weight	Hair	Eyes
MNI # <b>FWC17MNI052112</b>	SSN	Date of Birth	Age	Place of Birth , ,	Drivers License or other ID	State <b>FL</b>	ID Type <b>E</b>		
Addresses • <b>GOVERNMENT / 1650 N 3RD AVE, FL 33713 /</b>									

**Person: EMPLOYEE**

First Name <b>STEVEN</b>	Middle Name <b>DUKE</b>	Last Name <b>MARSHALL</b>	Suffix	Race <b>WHITE</b>	Sex <b>MALE</b>	Height <b>510</b>	Weight	Hair	Eyes
MNI # <b>FWC17MNI052113</b>	SSN	Date of Birth	Age	Place of Birth , ,	Drivers License or other ID	State <b>FL</b>	ID Type <b>E</b>		
Addresses • <b>GOVERNMENT / 1650 N 3RD AVE, ST. PETERSBURG, FL 33731 /</b>									

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**Person: MANAGER**

First Name <b>GEORGE</b>	Middle Name <b>KENNETH</b>	Last Name <b>WISE</b>	Suffix	Race <b>WHITE</b>	Sex <b>MALE</b>	Height	Weight	Hair	Eyes
MNI # <b>FWC17MNI052085</b>	SSN	Date of Birth	Age	Place of Birth , ,	Drivers License or other ID	State	ID Type		
Addresses • <b>FACILITY / 3800 S 54TH AVE, ST. PETERSBURG, FL 33711 /</b>									


**Person: MANAGER**

First Name <b>DAVID</b>	Middle Name	Last Name <b>ABBASPOUR</b>	Suffix	Race <b>WHITE</b>	Sex <b>MALE</b>	Height <b>504</b>	Weight	Hair	Eyes
MNI # <b>FWC17MNI052114</b>	SSN	Date of Birth	Age	Place of Birth , ,	Drivers License or other ID	State <b>FL</b>	ID Type <b>E</b>		
Addresses • <b>GOVERNMENT / 1650 N 3RD AVE, ST. PETERSBURG, FL 33713 /</b>									

**Business: SUSPECT**

Officer Name <b>CITY OF ST PETERSBURG</b>	MBI #	Phone Number 1	Ext 1	Phone Number 2	Ext 2	
County <b>PINELLAS</b>	Street Number <b>175</b>	Address <b>5TH ST N</b>	Apt/Lot/Bldg	City <b>ST. PETERSBURG</b>	State <b>FL</b>	Zip Code <b>33701</b>
Other Information						

**Narrative: INVESTIGATIVE**

Narrative Date/Time <b>10/13/2016 10:33:45 AM</b>	Narrative Synopsis <b>NARRATIVE</b>		
Reporting Officer <b>FISHER, AMMON L</b>	Officer Rank <b>INVESTIGAT</b>	Officer ID No <b>WN282</b>	Officer Org/Unit <b>FWSW\SW RE</b>
Officer Signature 	Officer Agency <b>FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION</b>		

On September 21, 2016, I, Investigator 2 Ammon Fisher, of the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Statewide Environmental Investigations Section, was directed to open an investigation regarding possible wastewater discharge violations by the City of St Petersburg (hereafter referred to as City), Pinellas County, Florida. This investigation was done in parallel with an investigation by the U.S. Environmental Protection Agency-Criminal Investigations Division (EPA-CID) Resident Agent in Charge (RAC) Daniel Green, and Trial Attorney Chris Hunter, U.S. Department of Justice (DOJ).

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On September 15, 2016, a city employee came forward with allegations of criminal acts by the City of St Petersburg. The employee is the Chief Operator of the City's North East Water Reclamation Facility. He has made public his concerns regarding the closing of the Albert Whitted Wastewater Reclamation Facility (AWWRF) that he believes caused the City to need to discharge wastewater during the heavy rain events.<sup>1</sup>

The City owns and operates 4 different waste water treatment plants and a City wide reclaimed water distribution system.<sup>2</sup>

- Albert Whitted Water Reclamation Facility (AWWRF)      601 8<sup>th</sup> Ave. S.E.
- Northeast Water Reclamation Facility (NEWRF)      1160 62<sup>nd</sup> Ave. N.E.
- Northwest Water Reclamation Facility (NWWRF)      7500 26<sup>th</sup> Ave. N.
- Southwest Water Reclamation Facility (SWWRF)      3800 54<sup>th</sup> Ave. S.
- St. Petersburg Master Reuse System (MRS)      1650 Third Ave. N.

The Albert Whitted Water Reclamation Facility was a 12.4 million gallons per day (MGD) annual average daily flow (AADF), Type I modified conventional activated sludge domestic wastewater treatment plant. The Albert Whitted Facility, although currently closed, was operated under Florida Department of Environmental Protection (FDEP) Wastewater Permit No. FLA128830. This facility has two injection wells (IW-1, IW-2), with 30-inch outer diameter (OD) steel casings set between 630 and 640 feet below the surface (BLS), and a total depth of between 867 and 1,005 feet below the surface (BLS). The maximum injection rate shall not exceed 24.0 MGD per well. The groundwater monitoring system includes four on-site monitor wells. The AWWRF is not active; however, the wells are still receiving water from the Master Reuse distribution system.

The Northeast Water Reclamation Facility is a 16.0 million gallons per day (MGD) annual average daily flow (AADF), Type I complete-mix activated sludge domestic wastewater treatment plant. The Northeast Facility is operated under FDEP Wastewater Permit No. FLA128856. This facility has three injection wells (IW-1, IW-2, IW-3), with 20-inch outer diameter (OD) steel casings set between 725 and 726 feet below land surface (BLS), and a total depth of 1,000 feet below the surface (BLS). The maximum injection rate shall not exceed 9.0 million gallons per day (MGD) per well, or 13.5 MGD per well when one of the wells is out of service. The groundwater monitoring system includes six on-site monitor wells.

The Northwest Water Reclamation Facility is a 20.0 million gallons per day (MGD) annual average daily flow (AADF), Type I, complete mix activated sludge, domestic wastewater treatment plant. The Northwest Facility is operated under FDEP Wastewater Permit No. FLA128821. This facility has two injection wells (IW-1, IW-2), with 30-inch outer diameter (OD) steel casings set at 760 feet below the surface (BLS), and a total depth of between 1,110 and 1,115 feet below the surface (BLS). The maximum injection rate shall not exceed 16.0 MGD per well. The groundwater monitoring system includes two on-site monitor wells.

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The Southwest Water Reclamation Facility is a 20.0 million gallons per day (MGD) annual average daily flow (AADF), Type I, complete mix activated sludge, domestic wastewater treatment plant. The Southwest Facility is operated under FDEP Wastewater Permit No. FLA128848. This facility has three injection wells (IW-1, IW-2, IW-3), with 24-inch outer diameter (OD) steel casings set between 904 and 928 feet below the surface (BLS), and a total depth of between 970 and 1,100 feet below the surface (BLS). The maximum injection rate shall not exceed 15.0 MGD per well. The groundwater monitoring system includes seven on-site monitor wells.

The St. Petersburg Master Reuse System is a 56 million gallons per day (MGD) annual average daily flow (AADF), Part III slow-rate public access master reuse system. The St. Petersburg Reuse is operated under FDEP Wastewater Permit No. FLA012881. This system utilizes the two injection wells (IW-1, IW-2) at the AWWRF.

Below is a brief time line of events that have led up to the recent violations:

- **02/1995** FDEP Underground Injection Well Consent Orders 92-0091, 92-0084, 92-0090 and 92-0092 executed for all four Wastewater Treatment Plants due to fluid migration, failure to meet reject storage requirements and high level disinfection. 92-0084, 92-0090 and 92-0092 were amended 4 times and 92-0091 was amended 5 times.
- **08/1995** An estimated 25-54 million gallons of raw sewage was released into Clam Bayou.
- **02/1998** An estimated 3 million gallons of raw sewage released into Clam Bayou, and 19 million gallons of reclaimed water from storage tanks at SW plant.
- **02/1999** 1 million gallons of raw wastewater discharged from AWWRF into Tampa Bay.
- **03/1999** 69 million gallons of treated wastewater released from AWWRF into Tampa Bay.
- **01/2000** FDEP Consent Order 97-0134 executed on all 4 treatment plants for unpermitted waste water discharges from 1995-1998.
- **12/2001** Southwest Water Reclamation Facility Master Plan created.
- **12/2005** Code of Federal Regulations, 40 CFR 146, became effective (allowing exemptions for existing wells with fluid migration) - codified in Rule 62-528.300, Florida Administrative Code.
- **06/2008** City proposed plan to comply with Rule 62-528.300, FAC. FDEP deemed it insufficient for AWWRF.
- **02/2012** City Completed a Capacity Study and proposal to shift flow from AWWRF to SWWRF.
- **04/2013** Brown & Caldwell evaluation of SWWRF hydraulic and treatment process. Advised that plant can hydraulically pass a peak flow of 40 MGD if everything is functioning and recommendations for improvements to allow plant to process 20 MGD.
- **07/2013** 1.1 million gallons of treated wastewater released.

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- **09/25/13** 10.4 million gallons of wastewater discharged into injection wells.
- **7/30/2014** Brown & Caldwell wet weather and liquid process evaluation of system advised the city that a heavy rain event would cause failure. Provided 3 options for improvements.
- **04/07/2015** Flow to AWWRF ceased. All flow diverted to SWWRF before any improvements were made.
- **8/2/2015-8/10/2015 high weather event** 31 million gallons of waste water released.
- **6/8-6/9/2016 TS Colin** 10 million gallons released.
- **8/31-9/14/2016 HR Hermine** Approximately 136-151 million gallons released into state waters and 700-800 million gallons put into injection wells.
- **9/28-10/10/16 HR Matthew** Minimal impact to gulf coast, discharges limited to east coast.

From July, 2015, through September, 2016, the City of St Petersburg had several illegal discharges. These discharges occurred during and after wet weather events.<sup>3</sup> Governor Rick Scott declared a State of Emergency during these events under Executive Order Number's 16-136 and 16-205.<sup>4</sup> Part of the orders authorize some State, regional and local agencies and other governmental bodies, in responding to the emergency, to waive or deviate from the statutes, rules, ordinances, and orders they administer. However, the Governors executive order does not allow the City to violate state statute.<sup>5</sup> There was no waiver or suspension of rules and regulations issued to the city by DEP pertaining to the proper treatment and disposal of wastewater. Listed in every operational permit issued to the City's Wastewater processing facilities is a section explaining conditions. Under Section IX, Part 5 of the permit, which states *"This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [62-620.610(5)]"*<sup>6</sup>

During the 1970's, significant capacity upgrades were made to all 4 plants including the installation of injection wells. This action was performed as required by the Federal Pollution Control Act of 1972. This Act known today as the Clean Water Act, made it illegal to discharge wastewater into state waters. The City was required by law to treat its wastewater before disposal. The total wastewater treatment capacity remained the same for the next 45 years. In April, 2015, the City, despite previous failures and extensive studies by engineering companies, made the decision to shut down the AWWRF plant.<sup>7</sup> This was done before any upgrades were done to the other plants to make up for the lost capacity.<sup>8</sup> That decision effectively reduced the City's total treatment capacity by 12.4 mgd and as a result the City willfully and negligently discharged vast quantities of wastewater that were harmful to plant, animal, and human life. The discharges by the City were found to exceed all other municipalities in the Tampa Bay area combined by a significant factor. During the



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Offense Description <b>S91D DOMESTIC WASTE (SEWAGE)</b>				

period of July/August 2015 and during Tropical Storm Colin and Hurricane Hermine (collectively Severe Weather Events) in 2016, the City of St. Petersburg experienced large scale SSO's. By the end of Hurricane Hermine the City of St. Petersburg was responsible for 51% of SSO's in the State of Florida for 2016.<sup>9</sup> These should be considered willful and negligent acts that could have been avoided or at least significantly mitigated, had the City taken action 20 years ago. Proactive actions that could have prevented the current problems include, but are not limited to, the following: Construction of a replacement plant for AWWRF outside the flood zone; Increasing the processing capacity of all other plants; Begin aggressive collection system replacement; Seek clean water act state revolving funds (CWASRF) for these projects.

Similar storm events in the late 1990's showed deficiencies in the wastewater system. From August 2, 1995, to August 10, 1995, the City reported 15.6 million gallons of unpermitted discharges to FDEP. After an FDEP investigation, it was determined to be 25-54 million gallons of unpermitted discharges.<sup>10</sup> In response to this, the City hired Tampa Bay Engineering to conduct a study of the collection system. The study determined that maintenance and capital improvements to the collection system were required to prevent unpermitted discharges. From December, 1997, to March, 1999, there was another series of unpermitted discharges. Most significant of these discharges was 1 million gallons of raw wastewater in February, 1999, and 69 million gallons of treated wastewater in March, 1999, from AWWRF.

During the course of this investigation several individuals were interviewed.<sup>11</sup> Evidence and witness statements showed a long history of deferred maintenance, mismanagement of funds, and law violations. Based on interviews and the evidence obtained, the City appears to have been willfully and negligently indifferent toward known problems in its wastewater treatment system that ultimately led to some of the largest wastewater discharges in State history. Examples of this include: taking AWWRF off-line before upgrades to SWWRF were done, minimal budget to Influx & Inflow (I & I) repairs, failing to seek Clean Water Act state revolving funds for capacity upgrades, and I&I repairs instead of a "green energy" project, failing to restart AWWRF after discharge problem was identified, failing to repair essential equipment at NWWRF for 10 years that reduced its processing capacity. Claims were made that the rain events of 2015 and 2016 were "historic", "unprecedented" or a "100 year event". These claims are not based in fact or reality.<sup>12</sup> The City attempted to use a similar excuse in response to the discharges in the 1990's. In a response letter to FDEP's Consent Order, 97-0134, they advised "extreme weather from El Nino" was to blame.<sup>13</sup> Historic data of rainfall in Pinellas County for the last 100 years shows rain events on the scale of the August 2-10, 2015, event occurring regularly every 10 years. A study was done by RS&H of the rain event of August 31 through September 9, 2016, which advised that this event "closely represents a 25 year storm recurrence interval according to the *NOAA Atlas 14, Volume 9, Version 2, Point Precipitation Frequency Estimates for St. Petersburg*".<sup>14</sup>

A plant's total treatment capacity is determined by measuring how much wastewater it can process and its hydraulic capacity. A treatment plant's permit lists only its process capacity. This is what the plant can theoretically process for a long term if everything is functioning perfectly. The hydraulic capacity is the volume of wastewater the plant can intake. A plant can treat its hydraulic capacity for a very short duration measured in hours or minutes. Only the SWWRF has had a capacity analysis performed by a third party. The other two operational plants had in house capacity analysis's done in 2015 that were very limited. The in house capacity analysis of the NWWRF was found to be incomplete. The report omitted the fact that the #2 clarifier was nonfunctional from 2007- March, 2017 and 2 Aerators nonfunctional from December, 2008, through May, 2017. These nonfunctioning pieces of equipment would decrease the plants processing

Report Date / Time <b>10/13/2016 10:32:44 AM</b>	Report Number <b>ISR013257 (01)</b>	Report Case/Cad Number <b>FWSW16OFF014387 /FWTB16CAD026234</b>	Reporting Officer Rank / ID <b>INVESTIGAT / WN282</b>	Reporting Officer Name <b>FISHER, AMMON L</b>
Originating Agency ORI <b>FL0528000</b>	Reported to Agency Date <b>9/22/2016 11:46:21 AM</b>	Occur Date Range <b>09/22/2016 11:46:21 -</b>	Jurisdiction <b>State Waters</b>	Status: Clearance:
Offense Description <b>S91D DOMESTIC WASTE (SEWAGE)</b>				

capacity. This was not noted in the capacity analysis.

Over the past 20 years, the City's wastewater system has seen an increase in demand due to population increase. Data from the US Census Bureau was used to determine population changes in the area. The data revealed that there has been a 7.4% increase in population or approximately 23,188 persons to the City's service area from 1996 to 2014.<sup>15</sup> The average person produces 80-100 gallons of wastewater per day. This calculates to an increase in total wastewater demand to the City's system of approximately 2.41 million gallons per day.<sup>16</sup> The SWWRF was operating at approximately 50% of its permitted capacity during the dry season and before the AWWRF flow was diverted. After AWWRF was diverted, the plant was operating at 75% of its permitted capacity during drought conditions. During the wet times of the year, the plant is operating at 85%-120% of its permitted capacity.<sup>17</sup> The City continued to accept more demand to its SWWRF facility after the AWWRF flow was diverted. FDEP permits show that the SWWRF plant had exceeded its permitted capacity for 3 consecutive months in a 12 month period. They also show that the SWWRF plant had a significant outstanding flow commitment against its treatment capacity. Despite these indicators, requests to add demand to the SWWRF were, and continue to be, approved.<sup>18</sup>

The SWWRF recently underwent several assessments to determine its exact capacity and what needs to be done to improve it. This was done with the plan of closing AWWRF and diverting its flow to SWWRF. The engineering company, Brown & Caldwell, was hired in 2013 to conduct a treatment process and hydraulic capacity evaluation. The evaluation determined that the SWWRF would have a 20 MGD process capacity and a 40 MGD hydraulic capacity if everything was functioning properly and a few upgrades were made.<sup>19</sup> In February, 2014, Brown & Caldwell was tasked with doing an assessment of the wet weather and liquid capacity of the SWWRF with AWWRF flow diverted.<sup>20</sup> The evaluation looked at 10 years of rain data, and determined that 2012-2013 had the highest amount of rain fall. They focused on these two years and determined that the SWWRF could see peak flows of 69 MGD. They then provided three options to increase capacity to allow the SWWRF to handle a 69 MGD peak flow event. The City chose not to do any of the options before closing AWWRF and redirecting the flow to SWWRF. After the flow had been diverted, the City chose the cheapest and least effective option that still did not increase treatment capacity. They chose option 1 and began construction of a 15 MG storage tank.<sup>21</sup> Failing to construct this storage tank before transferring flow was knowingly done after being advised by a reputable and experienced engineering company that they would have discharges in another wet weather event. When dealing with the health and safety of the public this should be considered a willful and negligent act.

Three months after this decision, in June, 2015, the City discharged 31 million gallons of wastewater.<sup>22</sup> The majority came from the SWWRF. 15 million gallons spilled out onto the Eckerd College campus. Then in June, 2016, during Tropical Storm Colin, the City discharged 10 million gallons of wastewater. The majority came from the AWWRF, which was being used to store excess wastewater due to the limited treatment capacity of the SWWRF. Shortly after this event in August, 2016, the City discharged an estimated 136-151 million gallons of wastewater into state waters and 700- 800 million gallons into injection wells. The amounts were estimates due to the massive scale of discharge. The amount estimates were determined by using data from the meters on the inflow pipes to each plant. The scale of this illegal wastewater discharge is unprecedented in state history. The option was available after the discharges of June, 2015, to quickly restart the AWWRF.<sup>23</sup> The choice was made to not restart it. There are many conflicting opinions about the exact

Report Date / Time <b>10/13/2016 10:32:44 AM</b>	Report Number <b>ISR013257 (01)</b>	Report Case/Cad Number <b>FWSW16OFF014387 /FWTB16CAD026234</b>	Reporting Officer Rank / ID <b>INVESTIGAT / WN282</b>	Reporting Officer Name <b>FISHER, AMMON L</b>
Originating Agency ORI <b>FL0528000</b>	Reported to Agency Date <b>9/22/2016 11:46:21 AM</b>	Occur Date Range <b>09/22/2016 11:46:21 -</b>	Jurisdiction <b>State Waters</b>	Status: Clearance:
Offense Description <b>S91D DOMESTIC WASTE (SEWAGE)</b>				

time table and cost of restarting the plant. But what is not contestable, is the fact that an operational AWWRF would have significantly mitigated the discharges from the SWWRF and AWWRF.

After the discharges of August, 2015, FWC Environmental Investigator 2 Daryl Garman (Retired) began an investigation. In report FWSW15OFF11592, Garman advised that the City did not notify the public about the discharges in any way.<sup>24</sup> A review of the City's historical public releases show only one notification regarding their illegal discharges. On June 7, 2016, the City released a statement advising of a discharge of approximately 10 million gallons of raw wastewater into Tampa Bay. At the end of the press release, there was a one sentence statement, "Please avoid contact with the water in that area of Tampa Bay."<sup>25</sup> No other notifications were found for the discharges of August and September, 2016.

All of the flow meters at each plant are repaired and calibrated by an independent company. The meters for inflow into the plants were functioning perfectly during the August, 2016, storm. The outflow meters did not report correct amounts. This discrepancy was due to flows that exceeded the meters detection range. The option to attach portable, strap on flow meters was available. This addition would have provided an exact flow rate. This was not done at any of the treatment facilities except for AWWRF. The technician, Ron Walker (Ret.), advised that his co-worker, Peter Lewis, asked him for a meter to use at AWWRF. Mr. Walker advised him that he did not have one. Mr. Lewis was assigned to AWWRF and SWWRF. Mr. Walker was assigned to work on the meters at the NEWWRF and NWWRF facilities. Walker advised that he was never asked to modify the outflow meters at either plant during the August, 2016 storm. Walker was only asked to repair existing devices.

Before these discharges in 2011 and continuing after, the City had embarked on a "green energy (biosolids)" project that had nothing to do with capacity increases. The City made a request for \$63 million dollars from Florida Department of Environment Protection's Clean Water State Revolving Fund Loan Program, to construct a methane gas recovery system at their SWWRF plant.<sup>26</sup> This project would use activated sludge concentrate pumped from the other two plants to SWWRF. The goal is to make methane gas from that sludge to be used in their fleet vehicles. It was also projected to correct bottlenecks in the treatment process. The fund provides ultra-low interest loans to City and county governments for planning, designing, and constructing water pollution control facilities. This funds number one priority is "Eliminate a documented chronic or acute public health hazard". The fact that the City requested and received funding for the project shows they knew about the program and its primary purpose, according to reviewed documents they made no efforts to request funding to assist them in upgrading their plants peak hydraulic treatment capacity or fix the influx problem. Based on investigative research and witness statements, a documented chronic and acute public health hazard is posed by the Cities wastewater treatment system. Their failure to take proper action here constitutes another example of what could be considered a willful and negligent attitude toward the health and safety of plant, animal, and human life in the area.

The investigation regarding deep well injection of wastewater began after interviews with Mr. Charlie Wise, Water Reclamation Manager.<sup>27</sup> Wastewater injection wells were first installed in the City in the late 1970's. They were used with minimal regulation, until 1989, when underground injection control standards were created in 62-600, F.A.C. These wells were installed at depths 800-1200 feet below the surface into aquifers that are considered unsuitable sources of drinking water due to high salinity and dissolved solids.<sup>28</sup> Upward migration of the wastewater was detected in nearby monitor wells soon after use. This meant that wastewater of unknown composition was flowing upward into the drinking aquifer below. Significant changes in water quality were detected.<sup>29</sup> New FDEP regulations were put in place in 2005, which

Report Date / Time <b>10/13/2016 10:32:44 AM</b>	Report Number <b>ISR013257 (01)</b>	Report Case/Cad Number <b>FWSW16OFF014387 /FWTB16CAD026234</b>	Reporting Officer Rank / ID <b>INVESTIGAT / WN282</b>	Reporting Officer Name <b>FISHER, AMMON L</b>
Originating Agency ORI <b>FL0528000</b>	Reported to Agency Date <b>9/22/2016 11:46:21 AM</b>	Occur Date Range <b>09/22/2016 11:46:21 -</b>	Jurisdiction <b>State Waters</b>	Status: Clearance:
Offense Description <b>S91D DOMESTIC WASTE (SEWAGE)</b>				

required high level disinfection before injection into the wells, as defined in subsection 62-600.540, F.A.C. FDEP also required that every wastewater plant that used injection wells, also have storage capacity that shall be the volume equal to one day flow at the average daily design flow of the treatment plant, as defined in subsection 62-610.464(3), F.A.C. The intent of this requirement is for the storage capacity to act as a buffer during peak flow events. It provides a place to store wastewater and allow the plant to catch up if it is overwhelmed by heavy weather or equipment failure. According to witness statements and official records submitted to FDEP City only had one plant in compliance with 62-610.464(3), F.A.C., during the discharge events. The NEWRF was the only plant in compliance with this rule. The SWWRF came into compliance in July, 2016. The NWWRF has one 5MG tank for reject storage and more than 10MGD average daily flow. It is still not in compliance and no plans have been made to correct this violation.<sup>30</sup> This is a violation of FS 403.161(1)(b). FDEP Consent Orders 92-0091, 92-0084, 92-0090 and 92-0092 were executed in 1995 on the City for injection well violations. The Consent Orders 92-0084, 92-0090 and 92-0092 were amended four times until 2012 when the Consent orders were closed. Consent order 92-0091 was amended 5 times, over a course of 20 years. This was done to accommodate the City in its progress, to come into compliance with state law.<sup>31</sup> The AWWRF never came into compliance with subsection 62-610.464(3), F.A.C., even until its closing in April, 2015. This was the FDEP requirement that every wastewater plant that used injection wells, also have storage capacity that shall be the volume equal to one day flow at the average daily design flow of the treatment plant. Greenwall advised in his interview that the AWWRF was unable to come into compliance. This was physically no space for a storage tank to meet the requirement.

The continual disregard for compliance with the Clean Water Act has put the ground water at risk. An EPA study found there to be the potential risk of microbial contamination of drinking water due to upward migration from the deep injection site. This risk is eliminated as long as the injected water is treated to high standards.<sup>32</sup> From August 31, through September 11, 2016, the City has injected 700-800 million gallons of wastewater into the ground of variable levels of treatment.

Influx and infiltration (I&I) of storm water into the sanitary sewer system is a major problem in the City. The City has a system that is old and in disrepair. Based on investigative research this problem was identified 20 years ago by FDEP, and the City references the I & I as a main reason for high water flows into the wastewater plants during rain events, and subsequently blamed for the discharges.<sup>33</sup> The storm water collection systems in the State are required to be isolated from the sanitary sewer system. Failure to do so, is a violation of FS. 403.161(1)(b). In an interview with the manager of the collection system, Lane Longley, he stated that very little work was actually performed to fix the I & I violations. Most work was done was to repair the structure of main lines and man holes. Longley never claimed that the problem was fixed. In fact, Longley advised that his department's budget had been reduced by 10% during the past couple years.<sup>34</sup>

The majority of inflow comes from private lateral lines. Several studies of the system were commissioned by the City. They recommended that the City needed to dramatically increase spending to repair the collection system as there were billions of dollars in needed repairs. It was identified 20 years ago as the primary culprit for high flows during rain events.<sup>35</sup> Longley advised that it would be far cheaper and easier to just upgrade the treatment capacity at the plants. Several other individuals interviewed advised that they thought the system was fixed and therefore did not need to worry about it. In February, 2000, FDEP executed Consent Order 97-0134. The Consent Order was in response to multiple illegal discharges in the 1990's.<sup>36</sup> I & I was identified as the culprit. The Consent Order had an effective time of 10 years to allow

Report Date / Time <b>10/13/2016 10:32:44 AM</b>	Report Number <b>ISR013257 (01)</b>	Report Case/Cad Number <b>FWSW16OFF014387 /FWTB16CAD026234</b>	Reporting Officer Rank / ID <b>INVESTIGAT / WN282</b>	Reporting Officer Name <b>FISHER, AMMON L</b>
Originating Agency ORI <b>FL0528000</b>	Reported to Agency Date <b>9/22/2016 11:46:21 AM</b>	Occur Date Range <b>09/22/2016 11:46:21 -</b>	Jurisdiction <b>State Waters</b>	Status: Clearance:
Offense Description <b>S91D DOMESTIC WASTE (SEWAGE)</b>				

the City time to fix the (I & I) violations. The Consent Order was closed in 2010 because the City convinced FDEP that the I & I system had been repaired. Soon after, City management realized that the system had not been fixed. Several years leading up to 2011 were considered to be a drought period with minimal rainfall. In 2012, the drought appeared to end as there was a significant increase in rainfall. City management noticed the increase in flows and hired Brown & Caldwell to conduct evaluations in 2013 and 2014. These evaluations did not study I & I.<sup>37</sup> They focused on the hydraulic, liquid process, and wet weather capacity of the SWWRF. I & I is a known and documented problem from the 1990's. The exact amount of money spent in repairs to the I & I system since the 1990's is known and documented. The manager over the repairs to this system and engineering companies commissioned by the City advised what would be required to fix the system. Few of the recommendations were done and the required amount of money was not invested. This inaction should be considered willful and negligent of the City to assume that the problem had somehow gone away without performing the necessary repairs and investing the necessary funds to do so.

Based on my investigation, this investigator believes the city committed willful and negligent acts in regard to how it operates its wastewater treatment plants. My conclusions are supported by the City's actions over the past 20 years and the evidence provided in this report. A large part of the evidence provided comes from the City's own employees that work in or support the City's wastewater treatment system.

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**The following crimes were documented and supported by overwhelming evidence. We recommend that the following 89 Felonies and 103- 1st degree misdemeanors be brought against the City of St Petersburg.**

I have found that the City of St Petersburg violated, **403.413(6)(c)**- Any person who dumps litter in violation of subsection (4) in an amount exceeding 500 pounds in weight or 100 cubic feet in volume or in any quantity for commercial purposes, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083 . Whereas **litter** is defined in section **(f)**, means any garbage; rubbish; trash; refuse; can; bottle; box; container; paper; tobacco product; tire; appliance; mechanical equipment or part; building or construction material; tool; machinery; wood; motor vehicle or motor vehicle part; vessel; aircraft; farm machinery or equipment; *sludge from a waste treatment facility*, water supply treatment plant, or air pollution control facility; *or substance in any form* resulting from domestic, industrial, commercial, mining, agricultural, *or governmental operations*. Whereas **dump** is defined in section **(d)**, to dump, throw, discard, place, deposit, or dispose of

**6 -Felony violations (F3):**

- August 2-10, 15 - 31 MG of waste water discharged from **SWWRF**

Report Date / Time <b>10/13/2016 10:32:44 AM</b>	Report Number <b>ISR013257 (01)</b>	Report Case/Cad Number <b>FWSW16OFF014387 /FWTB16CAD026234</b>	Reporting Officer Rank / ID <b>INVESTIGAT / WN282</b>	Reporting Officer Name <b>FISHER, AMMON L</b>
Originating Agency ORI <b>FL0528000</b>	Reported to Agency Date <b>9/22/2016 11:46:21 AM</b>	Occur Date Range <b>09/22/2016 11:46:21 -</b>	Jurisdiction <b>State Waters</b>	Status: Clearance:
Offense Description <b>S91D DOMESTIC WASTE (SEWAGE)</b>				

- June 8-June 9, 2016 - 10 MG of waste water discharged from **AWWRF**.
- August 31- September 14, 2016 - 78-93 MG of wastewater discharged from **AWWRF**.
- September 1-7, 2016- 58 MG of raw wastewater discharged from **NWWRF**.
- August 31-September 11, 2016 - Approximately 561 MG of waste water put into injection wells from **SWWRF**.
- August 31-September 11, 2016 - Approximately 220.6 MG waste water put into injection wells from **NWWRF**.

There is also multiple violations of **403.161(1)(a)**- To cause pollution, except as otherwise provided in this chapter, so as to harm or injure human health or welfare, animal, plant, or aquatic life or property. (3) Any person who willfully commits a violation specified in paragraph (1)(a) is guilty of a felony of the third degree punishable as provided in ss. 775.082(3)(e) and 775.083(1)(g) by a fine of not more than \$50,000 or by imprisonment for 5 years, or by both, for each offense. **Each day during any portion of which such violation occurs constitutes a separate offense.**

### **83- Felony violations (F3):**

- August 3, 2015 - 950 gallons, raw wastewater from manholes into local storm water system from 1400 38th Street North. **1 Count**
- August ~~2-3~~, 2015 - 25,000 gallons, raw wastewater from manholes into local storm water system from 53rd Avenue North and 10th Street North. **2 Counts**
- August ~~8 -9~~, 2015 - 1,072,569 gallons, partially treated wastewater through emergency outfall into Tampa Bay from AWWRF. **2 Counts**
- August ~~2-3~~, 2015 - 15,000,000 gallons, partially treated wastewater from storage tank into plant storm water system and then into Eckerd College from SWWRF. **2 Counts**
- August 2, 2015 - 450,000 gallons, raw wastewater overflowed headworks, some left plant site through storm drain on 54th Avenue South into Boca Ciega Bay. **1 Count**
- Aug ~~3-5<sup>th</sup>~~ 2015 - 15,000,000 gallons, raw wastewater pumped into storm water pond which discharges into Clam Bayou. **3 Counts**
- June 7, 2016 - 60,000 gallons raw wastewater came out of manholes at Beach Dr. and Coffee Pot Blvd and 1<sup>st</sup> ST. N & 30<sup>th</sup> Ave. N, 750 gallons at 38<sup>th</sup> ST. S and 26<sup>th</sup> & 27<sup>th</sup> Ave. S, 45,000 gallons at 1<sup>st</sup> ST. N & 42<sup>nd</sup> Ave. N, 27,000 gallons at 10<sup>th</sup> ST. N & 52<sup>nd</sup> Ave. N, 24,300 gallons at 7<sup>th</sup> ST.N & 48<sup>th</sup> Ave. N, 7,500 gallons at 691 56<sup>th</sup> ST.N, 7,500 gallons at 22<sup>nd</sup> Ave. N & 60<sup>th</sup> Way. N, 900 gallons at Sunset Blvd & Central Ave. **8 Counts**
- June ~~6 -9~~, 2016 - 9.77 million gallons of raw waste water discharged from AWWRF out fall into Tampa bay. **3 Counts**
- August 8, 2016- Boca Ciega Bay- 302,400 gallons of raw wastewater discharged from SWWRF. **1 Count**
- August 31, 2016- Clam Bayou, Emerald Lake, Little Bayou, Lakewood Golf-12,000 gallons of raw wastewater discharged from SWWRF and 22<sup>nd</sup> Ave N, Bear Creek, **Boca Ciega Bay**, Long Bay- 15,000 gallons of raw wastewater discharged from NWWRF. **2 Counts**
- **August 31- September 14, 2016 - 78-93** million gallons of raw wastewater discharged from AWWRF out fall into

Report Date / Time <b>10/13/2016 10:32:44 AM</b>	Report Number <b>ISR013257 (01)</b>	Report Case/Cad Number <b>FWSW16OFF014387 /FWTB16CAD026234</b>	Reporting Officer Rank / ID <b>INVESTIGAT / WN282</b>	Reporting Officer Name <b>FISHER, AMMON L</b>
Originating Agency ORI <b>FL0528000</b>	Reported to Agency Date <b>9/22/2016 11:46:21 AM</b>	Occur Date Range <b>09/22/2016 11:46:21 -</b>	Jurisdiction <b>State Waters</b>	Status: Clearance:
Offense Description <b>S91D DOMESTIC WASTE (SEWAGE)</b>				

#### Tampa Bay. **15 Counts**

- September 1 - 7, 2016 - 58 million gallons of raw wastewater discharged from NWWRF into surrounding area. **7 Counts**
- September 2, 2016- 892,500 gallons of raw wastewater discharged from SWWRF. **1 Count**
- September 9, 2016- 2,400 gallons of raw wastewater discharged from SWWRF. **1 Count**
- **August 8 - September 31**, 2016, SWWRF 561.10 MG reject waste water discharged to wells. **24 counts**
- **August 31- September 9**, 2016, NWWRF 220.6 MG waste water discharged to injection wells. **10 Counts**

Also violations of Florida Statute **403.161(1)(b)**- To fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the department pursuant to its lawful authority. **(5)** Any person who willfully commits a violation specified in paragraph (1)(b) or paragraph (1)(c) is guilty of a misdemeanor of the first degree punishable as provided in ss. 775.082(4)(a) and 775.083(1)(g) by a fine of not more than \$10,000 or by 6 months in jail, or by both for each offense. **(6)** It is the legislative intent that the civil penalties and criminal fines imposed by the court be of such amount as to ensure immediate and continued compliance with this section.

**The following rules apply to Florida Statute 403.161(1)(b):**

#### **22- 1<sup>st</sup> degree Misdemeanor violations (M1):**

*Rule **62-604.130(1), F.A.C.**, prohibits the release or disposal of excreta, sewage, or other wastewaters or residuals without providing proper treatment approved by the Department.*

- -August 3, 2015 - 950 gallons, raw wastewater from manholes into local storm water system from 1400 38th Street North
- -August 2 -3, 2015 - 25,000 gallons, raw wastewater from manholes into local storm water system from 53rd Avenue North and 10th Street North
- -August 8-9, 2015 - 1,072,569 gallons, partially treated wastewater thru emergency outfall into Tampa Bay from AWWRF
- -August 2-3, 2015 - 15,000,000 gallons, partially treated wastewater from storage tank into plant storm water system and then into Eckerd College from SWWRF
- -August 2, 2015 - 450,000 gallons, raw wastewater overflowed headworks, some left plant site through storm drain on 54th Avenue South into Boca Ciega Bay August 2 -5, 2015 - 15,000,000 gallons, raw wastewater pumped into storm water pond which discharges into Clam Bayou.
- -June 7, 2016 - 60,000 gallons raw wastewater came out of manholes at Beach Dr. and Coffee Pot Blvd and 1<sup>st</sup> ST. N & 30<sup>th</sup> Ave. N, 750 gallons at 38<sup>th</sup> ST. S and 26<sup>th</sup> & 27<sup>th</sup> Ave. S, 45,000 gallons at 1<sup>st</sup> ST. N & 42<sup>nd</sup> Ave. N, 27,000 gallons at 10<sup>th</sup> ST. N & 52<sup>nd</sup> Ave. N, 24,300 gallons at 7<sup>th</sup> ST.N & 48<sup>th</sup> Ave. N, 7,500 gallons at 691 56<sup>th</sup> ST.N, 7,500 gallons at 22<sup>nd</sup> Ave. N & 60<sup>th</sup> Way. N, 900 gallons at Sunset Blvd & Central Ave
- -June 6-9, 2016 - 9.77 million gallons of raw waste water discharged from AWWRF out fall into Tampa bay.
- -August 8, 2016- Boca Ciega Bay- 302,400 gallons of raw wastewater discharged from SWWRF

Report Date / Time <b>10/13/2016 10:32:44 AM</b>	Report Number <b>ISR013257 (01)</b>	Report Case/Cad Number <b>FWSW16OFF014387 /FWTB16CAD026234</b>	Reporting Officer Rank / ID <b>INVESTIGAT / WN282</b>	Reporting Officer Name <b>FISHER, AMMON L</b>
Originating Agency ORI <b>FL0528000</b>	Reported to Agency Date <b>9/22/2016 11:46:21 AM</b>	Occur Date Range <b>09/22/2016 11:46:21 -</b>	Jurisdiction <b>State Waters</b>	Status: Clearance:
Offense Description <b>S91D DOMESTIC WASTE (SEWAGE)</b>				

- August 31, 2016- Clam Bayou, Emerald Lake, Little Bayou, Lakewood Golf-12,000 gallons of raw wastewater discharged from SWWRF and 22<sup>nd</sup> Ave N, Bear Creek, Boca Ciega Bay, Long Bay- 15,000 gallons of raw wastewater discharged from NWWRF.
- August 31- September 14, 2016 - 78-93 million gallons of raw wastewater discharged from AWWRF out fall into Tampa Bay.
- September 1-7, 2016 - 58 million gallons of raw wastewater discharged from NWWRF into surrounding area.
- September 7, 2016- 200 gallons discharged onto ground from NEWWRF.
- September 2, 2016- 892,500 gallons of raw wastewater discharged from SWWRF.
- September 9, 2016- 2,400 gallons of raw wastewater discharged from SWWRF.

*Rule 62-600.410(1), F.A.C., provides that all domestic wastewater facilities shall be operated and maintained in accordance with the applicable provisions of this chapter and related regulations so as to attain, at a minimum, the reclaimed water or effluent quality required by the wastewater facility permit.*

**76- 1<sup>st</sup> degree Misdemeanor violations (M1):**

- SWWRF** - Total Residual Chlorine (TRC) limit 1 mg/L- June 7, 2016, -3.93, June 8, 2016, -5.13, June 9, 2016, - 4.97, June 11, 2016- 3.96, June 12, 2016- 3.43, June 13, 2016- 3.87, June 14, 2016- 4.41
- Tropical Storm Colin, June 14, 2016, SW Fecal Coliform 73% (Min<75%)
- Fecal Coliform 73% (Min<75%) June 7, 2016- 5, June 8, 2016- 5, June 9, 2016- 7, June 10, 2016- 9, June 11, 2016- 6, June 12, 2016- 12, June 13, 2016-4, June 14, 2016- 2}
- Between September 1 and September 10, 2016, SW WRF had a flow violation over the 15.0 MGD permitted maximum flow allowed down the Injection Well #1.
- September 1,-15.76 MGD, September 2,-15.76 MGD, September 3-15.76 MGD, September 4-15.77 MGD, September 5-15.76 MGD, September 6-15.76 MGD, September 7,-15.76 MGD, September 8-15.76 MGD, September 9,-15.76 MGD, September 10,-15.76 MGD.
- Between September 1 through September 11, 2016, SW WRF had a flow violation over the 15.0 MGD permitted maximum flow allowed down Injection Well #2.
- September 1,-15.59 MGD, September 2, 15.53 MGD, September 3-15.53 MGD, September 4,-15.70 MGD, September 5-15.46 MGD, September 6-15.36 MGD, September 7-15.40 MGD, September 8-15.47 MGD, September 9-15.47 MGD, September 10-15.25 MGD, September 11-15.13 MGD.
- Total Residual Chlorine (TRC) limit 1 mg/L- August 31-2.1, September 1-2.1, September 2-2.27, September 3-3.49, September 4-2.0, September 5-3.24, September 6-3.16, September 7-2.82, September 8-3.22, September 9-2.96, September 10-3.61, September 11-2.24, September 12-4.7, September 13-4.16.
- Comp TSS (Max 5 mg/l) September 1, -10.0, September 2, -20.0, September 3, -5.8, September 5-7.7.



Report Date / Time <b>10/13/2016 10:32:44 AM</b>	Report Number <b>ISR013257 (01)</b>	Report Case/Cad Number <b>FWSW16OFF014387 /FWTB16CAD026234</b>	Reporting Officer Rank / ID <b>INVESTIGAT / WN282</b>	Reporting Officer Name <b>FISHER, AMMON L</b>
Originating Agency ORI <b>FL0528000</b>	Reported to Agency Date <b>9/22/2016 11:46:21 AM</b>	Occur Date Range <b>09/22/2016 11:46:21 -</b>	Jurisdiction <b>State Waters</b>	Status: Clearance:
Offense Description <b>S91D DOMESTIC WASTE (SEWAGE)</b>				

- August 31 through September 13, 2016, SWWRF 561.10 MG waste water discharged to wells.
- **NWWRF** - TS Colin June 6, 2016- 1.44 MG of waste water discharged to injection wells
- TS Colin September 7, 2016, NW Total Suspended Solids 8.9mg/L (Max 5mg/L), pressure at wells 73.5(Max<70psi)
- August 31 through September 9, 2016 NWWRF 220.6 MG waste water discharged to injection wells.
- Fecal Coliform 73% (Min<75%) September 1, 2016- 22, September 2, 2016- 2, September 3, 2016- 2, September 4, 2016- 1, September 14, 2016-4, September 19, 2016- 2, September 27, 2016- 2, September 30, 2016- 1}
- Total Residual Chlorine (TRC) limit {1 mg/L}- September 2, 2016- 1.77, September 3, 2016,- 1.6, September 4, 2016- 2.34, September 14, 2016- 2.28, September 19, 2016- 3.66, September 27, 2016 3.23, September 30, 2016- 2.76
- **NEWRF** - Chlorine residual (min <1.5mg/L) August 4, 2015- 0.4 mg/l, 0.3 mg/l
- - TS Colin June 7, 2016 NE Chlorine residual 0 (<1.5mg/L), flow to wells 10.5MGD (Max 9MGD), waste water injected into wells 1.9 million, Total Suspended Solids 39(Max 5mg/L)
- Total Residual Chlorine (TRC) limit {1 mg/L}- June 7, 2016- 1.60, June 8, 2016- 6.94, June 9, 2016- 7.23, June 10, 2016- 5.43, June 11, 2016- 5.24, June 13, 2016- 4.99, June 15, 2016- 5.22, June 19, 2016- 4.58
- TS Colin, June 19, 2016, NE Fecal Coliform 73% (min <75%)
- Fecal Coliform 73% (Min<75%) {August 31- 2, September 1- 6, September 2- 4, September 3-1U, September 4-1, September 5-1U, September 6-1U, September7-1U, September 8-1U, September 9-2, September 10-1U, September 11-1U, September 12-6, September 13-1U.}
- **AWWRF**- Water quality standards reporting not followed when used for storage and disposal on August 2-10, 2015, June 6 -9, 2016 and August 31- September 14, 2016.

*Rules **62-600.410(3)** and **62-604.500(3)**, F.A.C. provide that all facilities and equipment necessary for the collection, transmission, treatment, reuse and disposal of domestic wastewater and biosolids shall be maintained, at a minimum, to function as intended.*

#### **4- 1<sup>st</sup> degree Misdemeanor violations (M1):**

- AWWRF facility used as storage but not full treatment during rain events. Water not properly tested.
- #2 clarifier at NWWRF nonfunctional from 2007- March, 2017
- 2 Aerators nonfunctional from December, 2008, through May, 2017

Report Date / Time <b>10/13/2016 10:32:44 AM</b>	Report Number <b>ISR013257 (01)</b>	Report Case/Cad Number <b>FWSW16OFF014387 /FWTB16CAD026234</b>	Reporting Officer Rank / ID <b>INVESTIGAT / WN282</b>	Reporting Officer Name <b>FISHER, AMMON L</b>
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- Insufficient reject storage at NWWRF, failure to have required amount.

*Rule 62-604.130(4), F.A.C., prohibits the unauthorized or deliberate introduction of storm water into collection systems and transmission facilities.*

**1- 1<sup>st</sup> degree Misdemeanor violation (M1):**

- Ongoing unauthorized introduction into collection system. Violation was never corrected.

## References

1 "Askew whistleblower letters to Mayor"

2 FDEP facility permits

3 Sanitary Sewer overflow reports (Appendix D)

4 Executive order documents

5 Letter from FDEP legal counsel

6 SWWRF permit

7 2013 Brown & Caldwell evaluation of SWWRF hydraulic and treatment process, 2014 Brown & Caldwell Wet weather and liquid process analysis, St Pete AWWRF historical discharges Document.

8 Notification to FDEP of completion of construction of 15MGD tank at SWWRF Document.

9 FDEP investigative report into St Petersburg SSO's

10 St Pete AWWRF historical discharges Document, p117.

11 Interview Summaries (Appendix A)

12 Flood Plain management plan update-2009, p7/ AW airport rainfall chart

13 St Pete AWWRF historical discharges Document, pp281-282.

14 RS&H 2017 Evaluation of sewer overflows and discharges associated with Hurricane Hermine/Rainfall chart AW

15 U.S Census Bureau, <https://www.census.gov/>

16 U.S. Department of the Interior | U.S. Geological SurveyURL: <http://water.usgs.gov/edu/qa-home-percapita.html>

17 DEP Monthly Discharge Reports.(Appendix B)

18 DEP permits for construction of waste water transmission/collection system. (Appendix C)

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**19 Brown & Caldwell 2013 SWWRF treatment process and hydraulic capacity evaluation.**

**20 Brown & Caldwell 2014 wet weather and liquid capacity analysis of SWWRF.**

**21 (8) Notification to FDEP of completion of construction of 15MGD tank at SWWRF Document- 10/27/16.**

**22 Sanitary Sewer overflow reports (Appendix D)**

**23 AWWRF restart evaluation, email correspondence regarding restart.**

**24 FWC report ISR013944, FWSW15OFF11592**

**25 City press release- City to Discharge Partially-Treated Wastewater Into Tampa Bay 6/7/16**

**26 Request application for CWA state revolving funds.**

**27 Interview summaries (Appendix A)**

**28 Hydrogeology and Analysis of Aquifer Characteristics in West-Central Pinellas County-USGS**

**29 Hydrogeology and results of injection tests at waste injection sites in Pinellas county-USGS**

**30 NWWRF In house capacity analysis 2015.**

**31 FDEP Consent order 92-0091 and amendments.**

**32 Relative Risk Assessment of Management Options for Treated Wastewater in South Florida- EPA, 4-56.**

**33 2011 Hazen and Sawyer Wastewater Collection System Analysis. , 2014 Reiss Engineering-Analysis of flow monitoring data.**

**34 Interview summaries (Appendix A)**

**35 Flood Plain management plan update-2009 pp54-62**

**36 FDEP Consent order 97-0134 and amendments.**

**37 2013 Brown & Caldwell evaluation of SWWRF hydraulic and treatment process, 2014 Brown & Caldwell Wet weather and liquid process analysis, St Pete AWWRF historical discharges Document.**

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**Officer: Approving Supervisor (Supplement 01)**

Officer Name <b>STEPHEN DELACURE</b>	Officer Rank <b>LIEUTENANT</b>	Officer ID No <b>W0507</b>	Officer Agency <b>FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION</b>
Officer Signature			

Sup #	Officer Name	Officer Rank	Involvement On Report	Reporting Role	ID #	Org/Unit	Officer Agency
01	FISHER, AMMON L	INVESTIGAT	LEAD INVESTIGATOR	REPORTING OFFICER	WN282	FWSWSW REGION\MANAT EE	FLORIDA FISH AND WILDLIFE CONSERVATIO N COMMISSION
01		RAC	INVESTIGATOR				EPA-CID
01	STEPHEN DELACURE	LIEUTENANT		APPROVING SUPERVISOR	W0507	FWSWSW REGION\HILLSB OROUGH	FLORIDA FISH AND WILDLIFE CONSERVATIO N COMMISSION

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The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the narratives associated with this report: <b>Officer: Reporting Officer (Supplement01)</b>			
Officer Name <b>FISHER, AMMON L</b>	Office Rank <b>INVESTIGAT</b>	Officer ID No <b>WN282</b>	Sworn and subscribed before me, the undersigned authority This the _____ day of _____, _____ DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER
Officer Agency <b>FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION</b>			
Officer Signature 