

**BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

STATE OF FLORIDA DEPARTMENT	)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION	)	DIVISION OF WATER
	)	RESOURCE MANAGEMENT
	)	
and	)	OGC FILE NO. 20-1329
	)	
	)	
MANATEE COUNTY UTILITIES	)	
DEPARTMENT, MANATEE COUNTY	)	
FLORIDA	)	
_____	)	

**ADMINISTRATIVE AGREEMENT**

This Administrative Agreement (Agreement) is entered into between the State of Florida Department of Environmental Protection (Department), and Manatee County, a political subdivision of the State of Florida, doing business as the Manatee County Utilities Department (MCUD) (collectively, Parties), to address compliance requirements for wastewater facilities under Chapter 62-620, Fla. Admin. Code, and for the effective implementation of pretreatment program requirements in accordance with Chapter 62-625, Fla. Admin. Code, to jointly evaluate potential discharges and identify supplemental control authorities procedures to immediately and effectively halt any discharge to the MCUD's Wastewater Facility (WWF) that endangers public health or welfare, endangers the environment, or threatens to interfere with the operation of the MCUD's WWF.

The Parties, in accordance with MCUD's interest to ensure the continued effective implementation of its approved pretreatment program, authorized under Section 403.061, Fla. Stat., Chapter 62-625, Fla. Admin. Code, and Division 3, Article II, and Chapter 2-31 of the Manatee County Code of Ordinances (Manatee County's Sewer Use Ordinance), have identified the following:

**PREMISES:**

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes (Fla. Stat.), and the rules promulgated thereunder in, Title 62, Florida Administrative Code (Fla. Admin. Code). The Department has jurisdiction over the matters addressed in this Agreement.

2. The procedures and requirements for implementation of pretreatment programs in Florida are specified in Chapter 62-625, Fla. Admin. Code, including the functions of the Control Authority, as defined by Rule 62-625.200(5), Fla. Admin. Code, and the Parties may enter to an agreement to enable the public utility to apply and to enforce the requirements of Chapter 62-625, Fla. Admin. Code.

3. HRK Holdings, L.L.C. (HRK), currently operates the former Piney Point Complex (Facility), under Department Administrative Agreement FL0000124-003-AA (AA) for wastewater management, issued on and effective since January 28, 2011. The Facility is situated on real property located at 13300 U.S. Highway 41 North, Palmetto, FL 34221-8661, in Manatee County, Florida, at approximately, Latitude: 27° 53' 30" North and Longitude: 81° 57' 30" (Property).

4. HRK owns the Property, is both the owner and operator of the Facility, and is a Significant Industrial User (SIU), as defined by Rule 62-625.200(25), Fla. Admin. Code, of the MCUD's WWF, to the extent the Facility would be authorized to discharge process wastewater to the MCUD WWF. For the purposes of this Agreement, the MCUD WWF includes any or all of the following: the collection and transmission system, the wastewater treatment works, the reuse or disposal system, and the residuals management facility, as the term WWF is defined by Rule 62-625.200(29), Fla. Admin. Code.

5. Operations at the Facility include but are not limited to, long-term care, monitoring, and maintenance of the closed, unlined phosphogypsum stack system (Stack System), which includes the closed north and south cooling ponds. Process wastewater

(process water) is managed within the three lined process water impoundments (i.e., compartments) on-site, which include the lined process water sump (LPWS), as well as the compartments on top of the New Gypsum Stack North (NGS-N) and the New Gypsum Stack South (NGS-S). Process water seepage from the Stack System reports to the LPWS via a system of drains (Underdrain System) and transfers to the NGS-N via a pipeline and pumping system. The pumping system is also used to operate the enhanced evaporation spray system located within the NGS-N for evaporation of process water. At present, operation of the enhanced evaporation spray system is the only means by which process water is consumed at the Facility. The lined compartments within an older portion of the Stack System are identified as Old Gypsum Stack North (OGS-N) and the Old Gypsum Stack South (OGS-S). The OGS-N & OGS-S were used for storage of dredged materials during the 2011 construction of Berth 12 at Port Manatee. Seawater used to transport dredge sediments along with commingled stormwater, is periodically decanted back to Port Manatee under Permit No. 0129291-016-EM (which modified Permit No. 0129291-012-EM).

6. The Facility is authorized to discharge non-contact stormwater from the closed areas of the phosphogypsum stack system to surface waters of the State of Florida only in accordance with the terms, conditions, and limitations of the AA. Discharges from the Facility enter drainage systems that lead to Bishop Harbor, which is part of the Terra Ceia Aquatic Preserve, designated as an Outstanding Florida Waterway (OFW) by Rule 62-302.700, Fla. Admin. Code, and ultimately Tampa Bay. The AA also provides for groundwater monitoring of historic impacts associated with operation of the closed, unlined Stack System. The Facility is an existing installation as defined by Rule 62-520.200(10), Fla. Admin. Code.

7. Manatee County owns and operates the Manatee County Master Reuse System (MCMRS) as a component of the MCUD WWF, operated under Department Wastewater Permit No. FL0474029, which includes the North Regional Water Reclamation Facility (NRWRF), Southeast Regional Water Reclamation Facility

(SERWRF), and Southwest Regional Water Reclamation Facility (SWRWRF). The NRWRF, SERWRF, and SWRWRF are all also permitted separately under Department wastewater permits FLA012617, FLA012618, and FLA012619, respectively. For the protection of the public investment in each of these facilities, as part of the MCUD's Publicly Owned Treatment Works (POTW) and WWF, the respective wastewater permits require implementation of the MCUD's Approved Pretreatment Program.

8. HRK previously received proper authorization from Manatee County under Manatee County Industrial User Discharge Permit No. IW-0030S, effective February 24, 2012, which expired on February 23, 2015, to discharge up to 150,000 gallons per day (gpd) of process water, with necessary treatment (pH adjustment), into Manatee County's WWF. The discharge from the Facility to Manatee County's WWF would flow to Manatee County's NRWRF, as operated in accordance with the Department issued Wastewater Permit No. FLA012617. The industrial pretreatment program requirements for the NRWRF under Wastewater Permit No. FLA012617, are also included in the Manatee County SWRWRF permit (Department Wastewater Permit No. FLA012619). The MCMRS is regulated under Department issued Wastewater Permit No. FL0474029. The discharge of process water seepage from HRK's gypsum stack system into the MCUD WWF, was suspended in 2012, in part, as a result of impacts to the process water seepage quality, resulting from a seawater leak within the NGS-S compartment of HRK's Stack System. HRK used this system during 2011 to clarify and convey seawater from Port Manatee dredging operations back to Manatee Harbor.

9. HRK implemented an Initial Repair and Initial Remediation Plan (IRIR) as well as the subsequent Supplemental IRIR, under direction approved by the Department. HRK satisfactorily completed repairs and remediation of portions of the liner and Underdrain System that were damaged by the leak within the NGS-S compartment during the 2011 construction dredging of Berth 12 at Port Manatee.

10. In February 2016, Arcadis U.S., Inc. (Arcadis), submitted an evaluation to the Department of Piney Point process water removal options and inventory data for

calendar years 2014 and 2015. This evaluation showed that despite the operation of the enhanced evaporation system at the Facility, the lined impoundments accumulated process water at a rate of approximately 16 million gallons per year, or about 30 gallons per minute (gpm) over this two-year period.

11. A review of the 2019 Water Management Plan (WMP) for the Piney Point Facility, received March 15, 2019, and prepared by Wood Environment & Infrastructure Solutions, Inc. (Wood), shows that the Piney Point Facility may reach maximum process water storage capacity in as little as 2 years under wet weather conditions, and within the next five years under normal rainfall conditions. The WMP indicates that re-initiation of process water discharge from HRK to the Manatee County POTW/WWF, even at only 50,000 gpd (i.e., about 35 gpm), could extend process water storage capacity at the Piney Point Facility by about 4 years, allowing HRK additional time to incorporate other process water removal options.

12. The Department's review of longer-term process (seepage) water accumulation rates since January 2014 through July 2020 indicates a net annual accumulation of about 30 gpm, which is similar to the rate determined by Arcadis for calendar years 2014 and 2015. However, during this period, the net accumulation has also been as high as 19.4 million gallons per year (or about 37 gpm) over selected periods (i.e., January 2014 through October 2016). Furthermore, if the facility experiences extreme scenario rainfalls (i.e., 76 inches of rainfall in a year, as required to be modeled in accordance with Rule 62-672.780, Fla. Admin. Code), the net annual accumulation rate may be even higher. As a result of the ongoing accumulation, including increased rainfall and groundwater inputs to the Facility's process water management system during 2019, the process water inventory had increased to 677 million gallons as of June 1, 2020.

13. Since completion of repairs under the IRIR, process water quality from various compartments within the Stack System has been tested periodically, with the most recent testing done in August 2019. The Department and the MCUD jointly reviewed these test results. The water quality data and review indicate improvements

for key parameters and that a reactivation of discharge of treated process water to the MCUD WWF at a minimum rate of 50,000 gpd, would allow the Piney Point Facility to achieve a neutral, and potentially a slightly negative water balance over time with average rainfall conditions.

14. The Parties have reviewed this Agreement and find that this Agreement does not constitute or create a significant change in the operation of the MCUD's pretreatment program that differs from the information for the currently approved pretreatment program in accordance with the requirements of Rules 62-625.510 and 62-625.540, Fla. Admin. Code.

15. Considering the current limitations for managing process water at the Facility, the MCUD and the Department are continuing to jointly evaluate a potential reactivation of a treated process water discharge from the Facility to the MCUD WWF. The Parties agree that a reduction in the accumulation of process water within the Facility would accordingly reduce the potential for releases of remnant nitrogen and phosphorus nutrients, from the Facility's historical fertilizer manufacturing operations, to area receiving surface waters of the state.

Therefore, having reached agreement on the need to jointly take actions to protect the public investment and operation of MCUD's WWF, and to prevent potential water quality impacts to area receiving surface waters of state, including Bishop Harbor, Terra Ceia Aquatic Preserve, and Tampa Bay, the Parties further agree and therefore,

**IT IS ORDERED:**

16. The Department shall continue to review Facility water quality data and evaluations jointly with the MCUD, on the characteristics of the Facility's ponded process water for the purposes of completing a joint evaluation of the ability for the Facility to reactivate a limited treated process water discharge to the MCUD WWF, in compliance with the industrial user requirements of Chapter 62-625, Fla. Admin. Code, Manatee County's Sewer Use Ordinance, MCUD industrial user permit requirements,

and local limits or other limitations the MCUD may impose in addition to, or in place of, the MCUD's local limits in its capacity as the Control Authority.

17. If the Parties determine that the Facility may reactivate a limited treated process water discharge in accordance with a Manatee County Industrial User Discharge Permit that the MCUD may issue, Manatee County reserves the right as the Control Authority, under the provisions of Chapter 62-625, Fla. Admin. Code, the MCUD approved pretreatment program, and Manatee County's Sewer Use Ordinance, to unilaterally and at any time, require HRK's permitted discharge to the MCUD WWF to cease, or otherwise be modified to the satisfaction of the MCUD, in accordance with its approved pretreatment program. The Parties agree that, in accordance with Manatee County's Sewer Use Ordinance, any Manatee County Industrial User Discharge Permit shall, at the sole discretion of MCUD, specify the sewer discharge rate and quality limitations (which may include both narrative permit conditions and pollutant-specific limitations), and specify the expiration date or period of time during which HRK may be authorized to discharge to the MCUD WWF.

18. If the MCUD determines that its WWF, Master Reuse System, or the operation thereof, is adversely affected by an ongoing discharge from the Facility, or that HRK was not in compliance with the provisions of the Manatee County Industrial User Discharge Permit, and the discharge has either resulted in, or has the potential to result in, non-compliance with Wastewater Permit Nos. FLA012617 or FL0474029, Manatee County shall notify HRK via phone and email that HRK shall cease, halt, or modify its discharge immediately upon such a determination and notification by the MCUD. Upon such notification to HRK by the MCUD, MCUD shall notify the Department as provided elsewhere herein by telephone and by electronic mail, providing information on the adverse effect, non-compliance, or potential non-compliance, and whether HRK has ceased, halted, or otherwise modified its discharge in compliance with direction from the MCUD. Upon the written request of the MCUD, the Department shall initiate an enforcement action, as appropriate, to compel the

Facility's compliance in any case where the Facility has not complied with direction from the MCUD, as the Control Authority, to halt or prevent such a discharge.

19. If a discharge from the Facility to the MCUD WWF has resulted in non-compliance with Wastewater Permit Nos. FLA012617 or FL0474029, the MCUD's approved pretreatment program, or other applicable MCUD requirements under Chapter 403, Fla. Stat., or under any other law or regulation for which the Department has enforcement authority, the Department shall, in lieu of commencing an administrative or civil action or otherwise seeking enforcement remedies against the MCUD for such non-compliance, identify proposed corrective actions for the Facility and implement enforcement actions in accordance with the Department's statutory authorities and procedures under Chapter 403, Fla. Stat., or under any other law or regulation that the Department has enforcement authority, as may be appropriate to compel the Facility's compliance with applicable pretreatment regulations, and to work cooperatively with the MCUD to halt or prevent any Facility discharge not in compliance with applicable pretreatment program regulations.

20. During periods where the Facility may be authorized to routinely discharge to the MCUD WWF, the Department agrees to support the MCUD pretreatment program inspection efforts by providing at least quarterly reconnaissance inspections of the Facility's treatment and discharge operations, unless such inspection frequency is agreed, in writing, to be changed to an alternative frequency by the Parties. Such inspections shall be conducted subject to HRK's discharge of process water to the MCUD WWF under an effective Manatee County Industrial User Discharge Permit, the Department's authority under Chapter 62-625, Fla. Admin. Code, and this Agreement, for the purpose of identifying any potential industrial user non-compliance, and for providing inspection reports with the Department's observations and any associated Department water quality data for review by the MCUD, as the Control Authority.

21. The Department and the MCUD agree that any treated process water discharge from the Facility that may be permitted by MCUD would help reduce the



accumulation of process water within the Facility. However, the Parties also agree that such a MCUD authorized discharge would not be sufficient to provide a long-term solution to remove the ponded water inventories present at the site. Accordingly, the Department and MCUD agree that one or more long-term water management solutions will continue to be needed despite any limited Facility discharges that may be permitted to the MCUD WWF. Notwithstanding the above mutual agreements by the Parties on the needs for long-term water management options, the Department expressly acknowledges that the MCUD may exercise its ability, at its sole discretion as the Control Authority, to unilaterally require HRK's permitted discharge to the MCUD WWF to cease.

22. Except as specifically provided in this Agreement, nothing herein shall limit the power and authority of the Department to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened Release of Hazardous Substances, pollutants or contaminants, or hazardous or Solid Waste on, at, or from the Facility. Further, nothing herein shall prevent the Department from seeking legal or equitable relief to enforce the terms of this Agreement or from taking other legal or equitable action as it deems appropriate and necessary in the future pursuant to applicable provisions of Chapters 376 and 403 Fla. Stat., or other applicable laws.

23. By entering into this Administrative Agreement, the Department assumes no liability for injuries or damages to persons or property resulting from any acts or omissions of MCUD. The Department shall not be deemed a party to any contract entered into by MCUD or its directors, officers, employees, agents, successors, representatives, assigns, contractors, or consultants in carrying out actions pursuant to this Agreement.

24. Except as expressly provided in Paragraph 18, nothing in this Agreement constitutes a satisfaction of or release of liability from any claim or cause of action against MCUD or any person not a party to this Administrative Agreement, for any

liability such person may have under applicable provisions of Chapters 376 and 403 Fla. Stat., or other applicable laws, or common law.

25. MCUD acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, Fla. Stat., on the terms of this Agreement. MCUD also acknowledges and waives its right to appeal the terms of this Agreement pursuant to section 120.68, Fla. Stat.

26. Nothing in this Agreement precludes the Department or MCUD from asserting any claims, causes of action, or demands for indemnification, contribution, or cost recovery against any persons not a party to this Agreement.

27. No modifications of the terms of this Agreement will be effective until reduced to writing, executed by both MCUD and the Department, and filed with the clerk of the Department.

28. Unless otherwise specified, or as may be changed from time to time, all reports, notices, or any other written communications required to be submitted under this Agreement shall be sent to the respective Parties at the following addresses by electronic mail (e-mail or email), to the extent feasible:

As to the Department:

Vishwas Sathe, Phosphate Management Program

Electronic mail: vishwas.sathe@dep.state.fl.us

Phone: (813) 470-5909

And

John A. Coates, Mining and Minerals Program

Electronic mail: john.coates@FloridaDEP.gov

Phone: (850) 245-8709

As to the Manatee County Utilities Department and Control Authority:

Jeff Goodwin, Deputy Director

Electronic mail: jeff.goodwin@mymanatee.org

Phone: (941) 792-8811

29. Any Party may, by written notice to the other Party, change its designated notice recipient or notice information provided above.

30. Notices submitted pursuant to this Section shall be deemed submitted upon mailing or e-mailing, as provided above, unless otherwise provided in this Agreement or by mutual agreement of the Parties in writing.

31. This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original, but all of which, together, shall constitute one and the same instrument.

32. If a court issues an order that invalidates any provision of this Agreement or finds that a Party has sufficient cause not to comply with one or more provisions of this Agreement, that Party shall remain bound to comply with all provisions of this Agreement not invalidated or determined to be subject to a sufficient cause or defense by the court's order.

33. This Agreement and its appendices constitute the final, complete, and exclusive agreement and understanding among the Parties with respect to the implementation of each Party's responsibilities for the wastewater facility compliance and pretreatment program implementation provisions specified herein. The Parties acknowledge that there are no representations, agreements, or understandings related to the other issues regarding such work other than those expressly contained in this Agreement.

34. The Parties agree that the terms and conditions of this Agreement will be enforceable by a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Fla. Stat.

35. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department

that are not specifically addressed by this Agreement. In the event the Department takes any such legal action, MCUD reserves all its rights and defenses to challenge or respond to such action as provided by applicable law.

36. This Agreement is a final order of the Department pursuant to section 120.52(7), Fla. Stat., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is timely filed in accordance with Chapter 120, Fla. Stat., before the deadline for filing a petition. Upon the timely filing of a petition, this Agreement will not be effective until further order of the Department.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201 and 28-106.301, Fla. Admin. Code, a petition for an administrative hearing must contain the following information:

- a. The name and address of each agency affected and each agency's file or identification number, if known;
- b. The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, email address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- c. A statement of when and how the petitioner received notice of the agency decision;
- d. A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

- e. A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- f. A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- g. A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), Fla. Admin. Code, petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), Fla. Stat., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, Fla. Stat., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, Fla. Admin. Code

Extension of Time

Under Rule 62-110.106(4), Fla. Admin. Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [agency\\_clerk@dep.state.fl.us](mailto:agency_clerk@dep.state.fl.us), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Meditation

Mediation is not available in this proceeding.

The files associated with this order are is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Division of Water Resource Management, Phosphate Management Program 13051 N. Telecom Parkway, Temple Terrace, Florida 33637-0926.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, Fla. Stat., by the filing of a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel at 3900 Commonwealth Boulevard, MS 35, Tallahassee, FL, 32399-3000 or at [agency\\_clerk@dep.state.fl.us](mailto:agency_clerk@dep.state.fl.us), and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

January 13, 2021  
Date

MANATEE COUNTY, a Political  
Subdivision of the State of Florida,  
d/b/a the Manatee County Utilities  
Department

Cheri Coryea  
Name: Cheri Coryea  
Title: County Administrator

STATE OF FLORIDA  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

January 21, 2021  
Date

John A. Coates  
Name: John A. Coates  
Title: Mining and Minerals Program

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

Marjane  
Taylor

Digitally signed by  
Marjane Taylor  
Date: 2021.01.21  
14:21:26 -05'00'

Clerk

1/21/2021

Date

Copies furnished to:

Lea Crandall, Agency Clerk, Mail Station 35  
Marc Harris, FDEP  
Vishwas Sathe, FDEP  
Benjamin Melnick, FDEP

Administrative Agreement

OGC No. 20-1329

Page 16 of 16

Mary Yeargan, FDEP  
John Truitt, FDEP  
Doug Beason, FDEP  
Chad Stevens, FDEP  
Chuck Froman, MCUD  
Jeff Goodwin, MCUD  
C. Mike Gore, MCUD  
Jeff Barath, HRK  
William Harley, HRK



Bradenton Area Convention Center  
One Haben Boulevard, Palmetto - Longboat Key Room  
9:00 a.m. - January 12, 2021

January 12, 2021 - Regular Meeting  
Agenda Item #42

Approved in Open Session 1/12/21  
Manatee County  
Board of County Commissioners

Subject

Execution of Administrative Agreement with the State of Florida Department of Environmental Protection regarding Piney Point Reservoirs

Briefings

None

Contact and/or Presenter Information

Jeff Goodwin, Utilities Deputy Director, ext. 5325

Action Requested

Authorize the County Administrator to execute the *Administrative Agreement with the State of Florida Department of Environmental Protection* regarding acceptance of wastewater from Piney Point reservoirs under Manatee County's Industrial Pretreatment Program.

Enabling/Regulating Authority

Section 125.01, Florida Statutes

Chapter 63-1598, Laws of Florida, as amended

Chapter 2-31, Article IV, Manatee County Code of Ordinances, as amended

Background Discussion

The Agreement was discussed during the December 15, 2020 Board of County Commissioners meeting.

Discussion by the Board supported moving forward with entering into the Agreement with the Department of Environmental Protection. The motion made, however, was to approve the recommended action as presented in the agenda packet. That action was "consideration of the Administrative Agreement with the State of Florida Department of Environmental Protection regarding Piney Point reservoirs." This meant that there was no formal motion to authorize the County Administrator to execute the Agreement and thus this agenda item is to provide the authorization.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

This is a procedural matter only.

Reviewing Attorney

Clague

Instructions to Board Records

Please provide executed document to Jeff Goodwin for submission to Florida Department of Environmental Protection for execution.

Distributed 1/12/21, RT

Bradenton Area Convention Center  
One Haben Boulevard, Palmetto - Longboat Key Room  
9:00 a.m. - January 12, 2021

Cost and Funds Source Account Number and Name  
N/A

Amount and Frequency of Recurring Costs  
N/A

Attachment: [PineyPoint-HRK-ManCo-AA\\_9-25-2020.pdf](#)

**NOTE: See attached email from D. Vollmer, 3/1/21 (pages 19/20 of this agenda packet), regarding the above attachment. According to D. Vollmer's email, the above attachment IS the only agreement that was executed on this date, which is Pages 1-16 of this agenda packet. There is no separate agreement w/HRK, RT**

**From:** [Diane Vollmer](#)  
**To:** [Robin Toth](#)  
**Subject:** RE: BCC 1/12/21 - Agenda Item 42. Piney Point  
**Date:** Monday, March 1, 2021 4:34:45 PM

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Hey Robin – I just looked at this agenda item. I think the 9/25 date may have been the date the agreement was drafted. That was the only agreement to be signed that date; there was no agreement with HRK.

Thanks!

Diane Vollmer  
Agenda Coordinator  
Manatee County Government  
County Administration Office  
1112 Manatee Avenue West  
Bradenton, FL 34205  
941-745-3724; [diane.vollmer@mymanatee.org](mailto:diane.vollmer@mymanatee.org)

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**From:** Robin Toth <[robin.toth@ManateeClerk.com](mailto:robin.toth@ManateeClerk.com)>  
**Sent:** Thursday, February 4, 2021 1:03 PM  
**To:** Diane Vollmer <[diane.vollmer@mymanatee.org](mailto:diane.vollmer@mymanatee.org)>  
**Subject:** BCC 1/12/21 - Agenda Item 42. Piney Point

Hi Diane,

I know you must be swamped. This is not a rush.

Whenever you can, please look at Agenda Item 42, from the 1/12/21 BCC agenda published on the county's website. There is just one attachment to the agenda memorandum, called "PineyPoint-HRK-ManCo-AA 9-25-2020.pdf". However when you open this attachment, it is the unsigned Administrative Agreement OGC No. 20-1329 with FDEP, that was executed by the BCC on 1/12/21.

I noticed this when I went to refer back to this Item 42. Initially, I thought there was an Agreement w/HRK on 9/25/20, but we did not have a BCC meeting on 9/25/20, so I'm not sure where the 9/25/20 date came from. Do you know if an Agreement w/HRK was to be attached?

Thank you,

***Robin Toth***  
Deputy Clerk, Board Records Department  
for Angelina "Angel" Colonnese  
Manatee County Clerk of the Circuit Court and Comptroller  
[www.manateeclerk.com](http://www.manateeclerk.com)  
[robin.toth@manateeclerk.com](mailto:robin.toth@manateeclerk.com)  
(941) 741-4018, Ext. 4179



***"Pride in Service with a Vision to the Future"***

Florida has a very broad Public Records Law. This agency is a public entity and is subject to Chapter 119 of the Florida Statutes, concerning public records. E-mail communications are covered under such laws & therefore e-mail sent or received on this entity's computer system, including your e-mail address, may be disclosed to the public or media upon request.

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1112 Manatee Avenue West  
Bradenton, FL 34205  
941-745-3724; [diane.vollmer@mymanatee.org](mailto:diane.vollmer@mymanatee.org)

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**Sent:** Thursday, February 4, 2021 1:03 PM  
**To:** Diane Vollmer <[diane.vollmer@mymanatee.org](mailto:diane.vollmer@mymanatee.org)>  
**Subject:** BCC 1/12/21 - Agenda Item 42. Piney Point

Hi Diane,

I know you must be swamped. This is not a rush.

Whenever you can, please look at Agenda Item 42, from the 1/12/21 BCC agenda published on the county's website. There is just one attachment to the agenda memorandum, called "PineyPoint-HRK-ManCo-AA 9-25-2020.pdf". However when you open this attachment, it is the unsigned Administrative Agreement OGC No. 20-1329 with FDEP, that was executed by the BCC on 1/12/21.

I noticed this when I went to refer back to this Item 42. Initially, I thought there was an Agreement w/HRK on 9/25/20, but we did not have a BCC meeting on 9/25/20, so I'm not sure where the 9/25/20 date came from. Do you know if an Agreement w/HRK was to be attached?

Thank you,

***Robin Toth***  
Deputy Clerk, Board Records Department  
for Angelina "Angel" Colonnese  
Manatee County Clerk of the Circuit Court and Comptroller  
[www.manateeclerk.com](http://www.manateeclerk.com)  
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