

## Sarasota County faces lawsuit over 800 million gallons of dumped processed wastewater

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SARASOTA COUNTY — Several environmental groups are threatening to sue the county for dumping hundreds of millions of gallons of treated wastewater for years, in turn polluting local waterways and jeopardizing the the public's health, if the jurisdiction fails to clean up its act.

Clean water advocacy groups SunCoast Waterkeeper, Our Children's Earth Foundation and Ecological Rights Foundation gave the county a required 60-day notice on Feb. 20 of its plan to sue unless the county remedies the issues causing the spills. The suit would allege that the county violated the federal Clean Water Act by repeatedly discharging treated wastewater from the Bee Ridge Wastewater Reclamation Facility and for repeated spills of raw and partially treated sewage throughout the county's collection system and at its treatment plants.

The county has been aware since at least 2013 of the need to increase storage capacity at the Bee Ridge Reclamation Facility, yet it has discharged more than 800 million gallons of reuse water from a storage pond at its utility site at 5550 Lorraine Road, the letter from the groups' attorney and SunCoast

Waterkeeper founder Justin Bloom states. One lengthy episode of spills from a pond on the site that can hold up to 170 million gallons of treated wastewater occurred from December until March, dumping more than 218 million gallons of water over the pond's brim, said Bloom, citing spill reports from the Florida Department of Environmental Protection. The reclaimed water is the result of a processing wastewater to the point it can be reused for landscape irrigation. Eight hundred million gallons of water is equivalent to roughly 1,211 Olympic-sized swimming pools, which consist of around 660,200 gallons.

Bloom claims the county has failed to take corrective action to stop the discharges, by expanding its storage capacity or upgrading its facility to an advanced wastewater treatment system — similar to systems used by the city of Sarasota and Bradenton, Bloom said. The county currently uses an advanced secondary facility, which leaves more nutrients in the end product.

The groups also claim the county has repeatedly spilled raw sewage from sewer lines, manholes, pump stations and wastewater plants.

“These spills have sent raw sewage streaming into streets, storm drains and/or adjacent surface waters, posing serious public health threats and creating a severe nuisance in exposing substantial numbers of people to raw sewage,” the letter states. “These spills have been caused by a variety of poor or inadequate system maintenance, operation, repair, replacement and rehabilitation practices.

“These violations have caused and continue to cause significant amounts of pollutants to be discharged into Phillippi Creek, Cowpen Slough, Roberts Bay, Dona/Roberts Bay and Sarasota Bay, which are all waters of the United States,” the letter adds. “These discharges ... continue to cause or threaten ongoing injury to the health, environmental, aesthetic and economic interests of citizens.”

County officials admit to the persistent spills and say they're doing everything they can to remedy the issues, including upgrading the Bee Ridge location to an advanced wastewater treatment facility, though the county

does not have a cost estimate for that yet. They also contend the treated wastewater spills have not posed a health hazard.

“We’re aware of the discharges that we have across the county because those are documented,” said Scott Schroyer, director of the county’s public utilities department, adding his office is working with DEP on mitigation strategies, which include constructing additional storage wells on the site to expand its holding capacity, strategies to divert the flow of wastewater away from the Bee Ridge facility to others in the county and how to transfer reclaimed water from Bee Ridge to other facilities for storage.

“Load management, if you will, is really what our aim and our focus is,” Schroyer said.

The threat of litigation comes as the state Legislature considers potential responses to pollution, including from sewage spills, believed to have contributed to harmful algae blooms, such as red tide, that have plagued Florida. A Sarasota lawmaker, Sen. Joe Gruters, has proposed a bill that would fine public utilities \$1 for every gallon of wastewater spilled.

The 140-acre Bee Ridge Reclamation Facility — the largest wastewater plant the county operates, built in the mid- to late-1990s — is permitted to process 12 million gallons of sewage daily, but typically processes between 7 and 8 million gallons a day. Raw sewage is transferred to the facility by more than 700 lift stations and an intricate network of pipes, some which haven’t been replaced since the 1950s and 1960s. County wastewater is cleaned using bacteria, not chemicals, before being treated with chlorine and reused to irrigate lawns and golf courses. Water not sold for reuse is stored in the 170-million-gallon pond that keeps experiencing spills because it overflows, especially during rainy periods, county officials said. A particularly rainy winter contributed heavily to the spills, they said.

The county treats approximately 15 million gallons per day between three water reclamation facilities. Over 5.1 billion gallons of wastewater were treated last year, county officials said.

To remedy the problems, the county in 2013 began exploring the possibility of a deep injection well to permanently dispose of processed water, but the ground the facility sits on can't handle a deep well. Instead, the county has received authorization from DEP to build two "aquifer recharge wells" that could hold an estimated 18 million gallons of water each, which could not be retrieved. Officials don't yet have a cost estimate for the wells, but added they have started designing the system. The county also routinely performs checks on lift stations and pipes, replacing damaged or deteriorating pipes when they notice vulnerabilities. Corrective actions taken after a spill include pipe replacement and swift clean-up by the county's spill response team, officials said.

Officials claim since the spilled reclaimed water has minuscule amounts of bacteria, it ultimately hasn't harmed surface waterways.

Michael Mylett, the county's water and wastewater division manager for the public utilities department, said the bacteria levels in the treated water the county is required to test for are well below state requirements leaving the facility. "So there's no health hazard," he said.

Nevertheless, DEP officials earlier this month met with county officials to demand that correcting the spills be a priority, DEP spokeswoman Dee Ann Miller told the Herald-Tribune.

"They are to make it their top priority to explore every opportunity to temporarily divert water to reduce or eliminate the discharge and to consider upgrading their plant to advanced waste treatment and constructing additional permittable treated wastewater disposal capacity on an accelerated schedule," Miller said in an email.

"The department is working on drafting a consent order, that will include corrective actions for the reuse disposal capacity issue as well as for the raw spills in the collection systems of both the county's facilities — Bee Ridge and Central County — and will include penalties with an in-kind option at 1.5 times the penalty amount, which could help facilitate additional improvements to the county's wastewater infrastructure," Miller added.

Bloom said he hopes litigation won't be necessary, despite the longevity of the problem.

"It's not like this is an accident that just happened and they're scrambling to figure out what to do," Bloom said. "This has been going on for a long time and there should have been a solution in place."

"This is a notice; it's not a lawsuit. We're not necessarily going to sue," Bloom said. "We hope to be able to collaborate with the county to fix the problem."

County attorneys have been in talks with Bloom since receiving the letter, Schroyer said.