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Director of county's Public Utilities Department leaves position in early April

May 2, 2019 by Rachel Brown Hackney, Editor & Publisher

Action came three weeks after news report about nonprofits' plan to file federal lawsuit against county over alleged violations of Clean Water Act



Scott Schroyer addresses the County Commission on March 29. News Leader image

Scott N. Schroyer, who had served as director of Sarasota County's Public Utilities Department since early fall of 2014, has left that position, *The Sarasota News Leader* has learned.

In response to a *News Leader* request for information about the situation, county Media Relations Specialist Brianne Grant provided a statement in an April 30 email.

"There has been a change in leadership and focus in the county's Public Utilities Department," the statement began. "The relationship with an at-will employee may be terminated any time by either party. As an organization, we recognize that the services provided by our Public Utilities Department [are among] the most vital to our community. Focusing on customer service [and] improving our utilities infrastructure are key factors in moving forward," the statement added.

Schroyer began his employment as the Public Utilities director on Oct. 6, 2014, Grant wrote. His last day with the county was April 10; his ending salary was \$139,588.80, she noted.

Mike Mylett, who has been with Sarasota County for 19 years, has been named the interim director, Grant reported.

The *News Leader* was unsuccessful in attempts to reach Schroyer.

Mylett appeared before the County Commission last week in his new capacity. However, most of the memos in the agenda packets for Public Utilities Department items for the April 23 and April 24 board meetings listed Schroyer as the director. Mylett was named on only two of them. One pertained to a contract amendment for new pipes and fittings for potable water, reclaimed water and wastewater utilities. The other involved water demand projections from 2020 to 2040, in the context of the county's contract with the Peace River Manasota Regional Water Supply Authority.

When then-County Administrator Tom Harmer announced Schroyer's hiring in a Sept. 18, 2014 news release, Harmer said of Schroyer, "His strong management background and his experience in the public works field will be a great asset in serving our residents and utility customers."

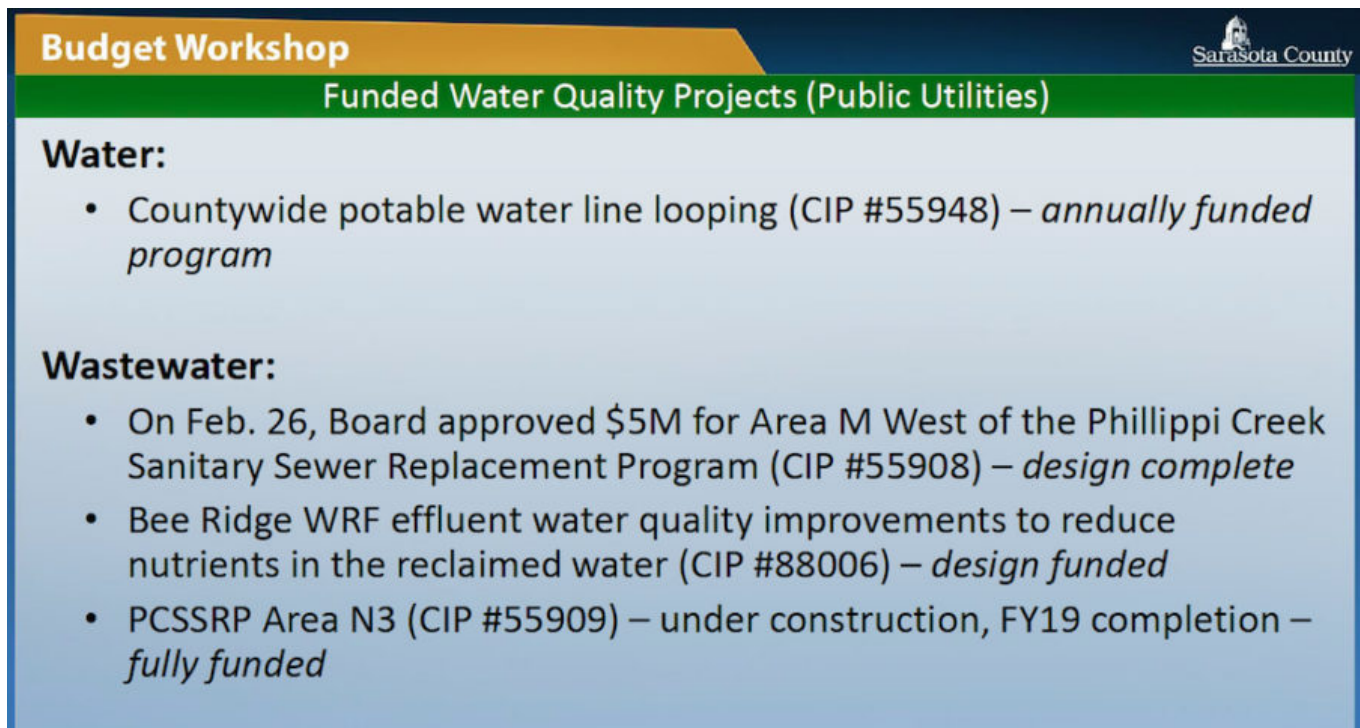
The release noted that Schroyer had more than 30 years of experience in local government. He had worked for the City of Hudson, Ohio, since 1984, the release pointed out, "most recently serving as its assistant city manager beginning in June 2011 and its interim city manager from late 2013 through July 2014."

Throughout his career, the release continued, Schroyer has specialized in public works/utilities, including the operational management of water, wastewater, stormwater and electric utilities. He also has held licensing in water distribution and wastewater collection systems, the release noted. As the Hudson, Ohio assistant city manager, the release added, his responsibilities included "strategic oversight of the utility system."

Schroyer's last formal presentation to the County Commission occurred on March 29, as part of a budget workshop. The board members that day reviewed a list of projects related to county water quality initiatives, as they talked about the devastation of red tide on the environment and tourism last summer and fall.

County Administrator Jonathan Lewis introduced that part of the workshop by explaining that the Florida Legislature would be convening earlier in 2020 — in January instead of March — because next year is an election year. Lewis said staff wanted to ensure the commissioners have an opportunity to tweak water quality priorities with an eye toward applying for state funding assistance.

That day, commissioners criticized Schroyer, Assistant County Administrator Mark Cunningham and County Engineer Spencer Anderson, because slides they trio showed the board lacked detailed information.



Budget Workshop Sarasota County

Funded Water Quality Projects (Public Utilities)

Water:

- Countywide potable water line looping (CIP #55948) – *annually funded program*

Wastewater:

- On Feb. 26, Board approved \$5M for Area M West of the Phillippi Creek Sanitary Sewer Replacement Program (CIP #55908) – *design complete*
- Bee Ridge WRF effluent water quality improvements to reduce nutrients in the reclaimed water (CIP #88006) – *design funded*
- PCSSRP Area N3 (CIP #55909) – under construction, FY19 completion – *fully funded*

This is one of the slides that drew commission criticism on March 29. Image courtesy Sarasota County

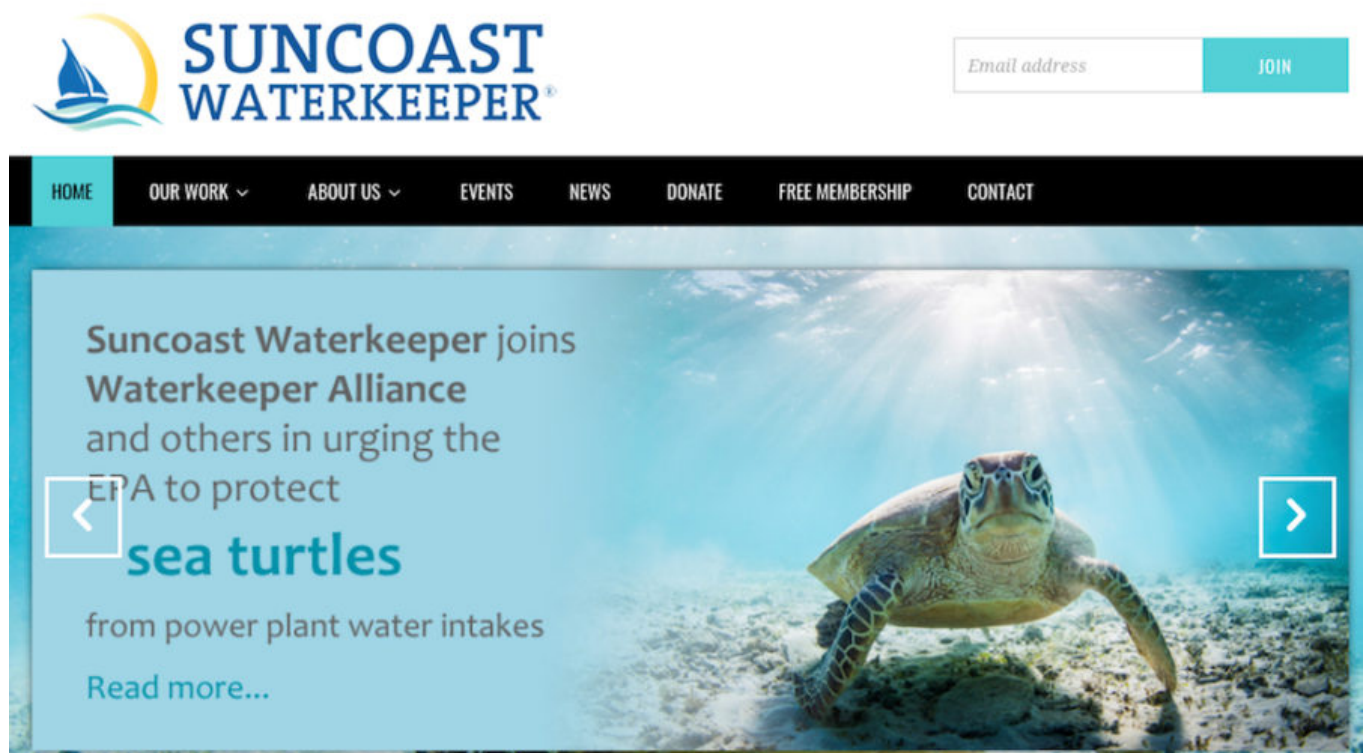
For example, Commissioner Nancy Detert complained to Schroyer that none of the slides had timelines, so she had no idea when a particular project was scheduled for construction — or whether it was on the construction list for the next five years. (The commission each year approves priorities in its Capital Improvement Program — CIP — for five years, though only the projects listed in the first year generally will be pursued; priorities often change year-to-year.)

Additionally, Commissioner Alan Maio called for more details to be included for the public in discussions involving the county's long-term initiative to eliminate septic tanks in the Phillippi Creek Basin.

The litigation

That March 29 budget workshop was held nine days after the *Sarasota Herald-Tribune* reported that three nonprofit environmental organizations — the [Suncoast Waterkeeper](#), [Our Children’s Earth Foundation](#) and the [Ecological Rights Foundation](#) — had filed notice of intent on Feb. 20 that they would bring suit against the county in federal court.

The civil action would be a response to the nonprofits’ allegations of county violations of the U.S. Clean Water Act. They contend that the county illegally discharged “raw sewage, partially treated sewage and/or treated reclaimed water into Phillippi Creek, Cowpen Slough, Whitaker Bayou, and streams and other waters that are tributaries to Sarasota Bay, Roberts Bay, Dona/Roberts Bay and the Gulf of Mexico in or adjoining Sarasota County.”



This is a banner from the Suncoast Waterkeeper’s website. Image courtesy of Suncoast Waterkeeper

The primary focus of the complaint was the county’s Bee Ridge Water Reclamation Facility, located at 5550 Lorraine Road in Sarasota. The nonprofits say in their suit that “treated wastewater effluent that meets public access quality standards is stored on-site” at that facility in a 2-million gallon, above-ground storage tank, as well as in a storage pond encompassing 29.4 acres that is

capable of holding 145.2 million gallons. (A county fact sheet says the storage pond has a maximum capacity of 170 million gallons per day.)

The county operates a North Master Reuse System, the complaint continues, “to provide treated effluent from the Been Ridge [facility] ... primarily for a golf course and residential irrigation for approximately 5,500 acres of land.”

That reclaimed water “contains high levels of nutrients,” the nonprofits argue, “and [it] is not treated for surface water discharges.”

(During the March 29 budget workshop, Assistant County Administrator Cunningham reported that all three of the county’s water reclamation facilities are “classified as advanced secondary [treatment plants].” He added that FDEP allows 15 to 20 mgs of nitrogen per liter, but the nitrogen count following treatment in those facilities is about 12 to 15 mgs per liter.)

According to an exhibit filed with the lawsuit, the nonprofits contend that the county illegally has discharged close to 1 billion gallons from the Bee Ridge pond since September 2015: 994,188,000 gallons. The highest volume for a continuous period, that exhibit shows, was 214,284,000 gallons from Aug. 3, 2017 to Oct. 23, 2017 — 82 days.

Exhibit 1 to Complaint				
Table of Illegal Discharges from County Re-Use Pond at Bee Ridge Water Reclamation Facility				
Year of Discharge	Start Date	Cease Date	Days of Violation	Total Volume Discharged Per Episode
2015	9/12/15	10/10/15	29	142,000,000
2016	2/9/16	3/4/16	25	36,303,000
2016	8/31/16	10/25/16	56	163,602,000
2017	8/3/17	10/23/17	82	214,284,000
2017	10/30/17	11/6/2017	8	8,720,000
2018	8/15/18	10/30/18	77	205,970,000
2018-19	12/23/18	3/5/19	73	214,275,000
2019	3/18/19	3/26/19	9	9,034,000
Total Days of Violation of Illegal Discharge from Bee Ridge Re-Use Pond			359	
Total Volume of Illegal Discharge from Bee Ridge Re-Use Pond				994,188,000

This is an exhibit filed with the federal lawsuit. Image courtesy U.S. District Court for the Middle District of Florida

The suit asks the court to make the county cease the illegal discharges. Additionally, it calls for the assessment of civil penalties against the county of up to \$37,500 per day for each violation on or before Nov. 2, 2015 and \$54,833 per day for each violation after Nov. 2, 2015.

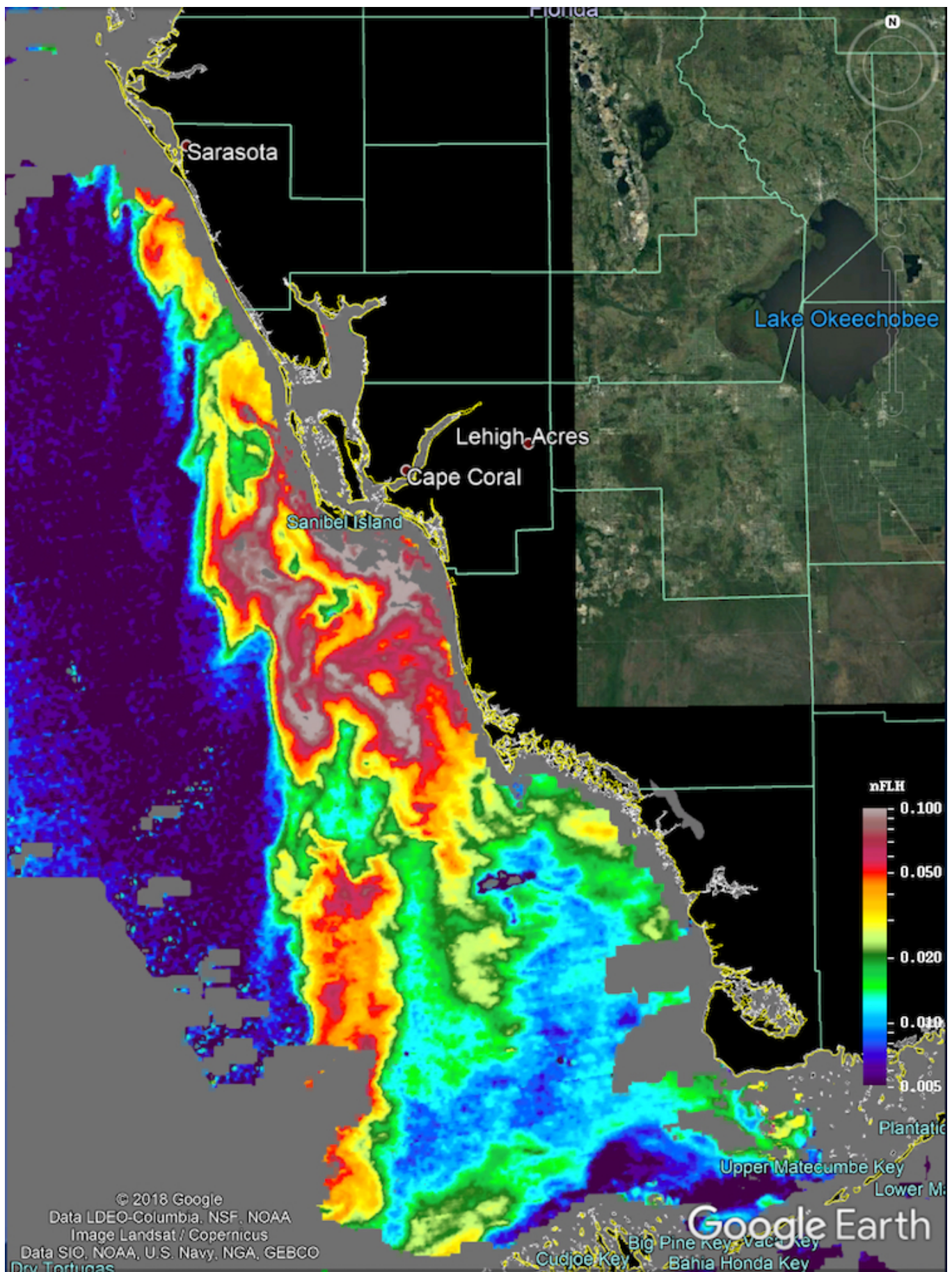
Since at least 2013, the complaint continues, the county “has reported numerous discharges of Reclaimed Water from the Bee Ridge storage pond into the stormwater system,” and those discharges “have increased in duration and volume over time, with the knowledge of the County and with no adequate measures taken to prevent or cease these discharges.”

Moreover, the suit contends, "The County has reported numerous overflows of raw sewage from the County's sewer lines, manholes, pump stations" and various other sections of its overall collection system.

The spills are documented in forms the county had to file with the Florida Department of Environmental Protection (FDEP), the complaint points out.

"The County's discharges of raw sewage, partially treated sewage and/or treated reclaimed water ... degrade water quality and harm aquatic life in [the affected] waters," the complaint adds.

Members of the Suncoast Waterkeeper in Sarasota and Manatee counties "who reside in the vicinity of the waters affected by Sarasota County's violations ... have reasonably founded fears that the high nutrients contained [n the spills] have contributed to the conditions exacerbating Red Tide," the complaint points out.



An August 2018 satellite image shows the presence of red tide in area waters. Image courtesy City of Sarasota

The organizations filed suit, they write, because “neither the [Environmental Protection Agency] nor the state of Florida has commenced or is diligently prosecuting an action to redress the violations alleged ...”

The Feb. 20 letter the nonprofits sent the county served as the required 60-day notice before the filing of the complaint. The filing occurred on April 22 in the U.S. District Court for the Middle District Court in Tampa.

On April 22, county Media Relations Officer Drew Winchester released the following statement: “Sarasota County is aware of the civil litigation related to reclaimed water storage at the Bee Ridge Water Reclamation Facility. We are committed to improving our utilities infrastructure as water quality is a top priority for the county.”

As a matter of policy, county staff does not comment on litigation.

Commission frustrations

The *Herald-Tribune* article was the focus of county commissioners’ comments during the March 29 budget workshop.

For example, referring to slides about the Bee Ridge plant, Chair Charles Hines told Schroyer that details about staff plans to reduce the level of nutrients in the reclaimed water need to be part of any report Schroyer provides the board.

Funded Water Quality Projects (Public Utilities)

Wastewater:

- Countywide inflow and infiltration (I&I) reduction program (CIP #55957) – *annually funded*
- Systemwide rehabilitation program (CIP #55958 & #88020) – *annually funded*
- Venice Gardens facility upgrades (CIP #88054) – *annually funded program*
- Central County facility upgrades (CIP #88062) – *annually funded program*
- Bee Ridge facility upgrades (CIP #88053) – *annually funded program*

Reclaimed water:

- Bee Ridge system impv., 2 aquifer recharge wells (CIP #88015) – *fully funded*
- System rehabilitation program (CIP #88021) – *annually funded*
- Interconnected system improvements (CIP #88023) – *design funded*
- Honore Ave. main extension (CIP #88058) – *fully funded*

This is another slide presented on March 29 that drew commission criticism. Image courtesy Sarasota County

Schroyer did point out that staff has been working on a project that will see the construction of two aquifer recharge wells able to handle 18 million gallons per day at the Bee Ridge facility. The estimated \$14.2-million initiative is fully funded, he added.

The estimated completion of the new wells is Dec. 31, 2023, according to a county fact sheet issued in April.

Later during the March 29 discussion, Commissioner Maio referenced the board members having been “hit with a lot of emails” after the *Herald-Tribune* article was published. “We need to get the word out” about the plans for those wells, he stressed. “We do not promote that!”

“Part of your job,” Commissioner Detert told Schroyer, “is to keep us informed as to what the needs are, so we don’t get [an unexpected headline].”

After the federal lawsuit was filed, county Communications staff issued the fact sheet about the Bee Ridge Water Reclamation Facility, noting that the plant is one of three such operations in the county.

In 2018, the fact sheet said, the county treated 5.1 billion gallons of wastewater countywide.

The Bee Ridge plant dates to 1994, the sheet continued. It has the capacity to treat 12 million gallons per day.

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Tinypass

< Earthmoving permit application recommended for representative of Benderson Development as company seeks to clear Siesta Promenade site

> Cartoon of the Day

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