

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AND ACCEPTING THE ATTACHED "CONSENT ORDER" OGC FILE No. 21-0581 BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) AND THE CITY OF KEY WEST, TO SETTLE MATTERS RELATED TO VIOLATIONS IN CONJUNCTION WITH THE OPERATION OF THE RICHARD A. HEYMAN WASTEWATER TREATMENT PLANT (WWTP) AND THE SANITARY SEWER COLLECTIONS SYSTEM, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONSENT ORDER ON BEHALF OF THE CITY; AUTHORIZING ANY NECESSARY BUDGET AMENDMENTS OR ADJUSTMENTS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Richard A. Heyman Wastewater Treatment Plant (WWTP) is operated under State of Florida Domestic Wastewater Facility Permit No. FLA147222, with effluent disposal to two Class V underground injection wells permitted through FDEP Permit numbers 327710-001UO/5W and 327710-0020UO/5W. Through these permits, the City and Operations Management International, Inc. (OMI) are responsible for compliance with the permit requirements; and

WHEREAS, FDEP issued a draft Consent Order and the City issued comments on January 5, 2022, in response to certain violations of the permit allowances. In June 2022, City staff had a second opportunity to review the Order and issue comments related to the proposed compliance timeline. The purpose of the Consent Order is to establish an agreement on achievable terms to improve the City's sanitary sewer system and WWTP operations; and

WHEREAS, a penalty fee is established as a component of the Consent Order, however, FDEP at its discretion may allow the City to perform in-kind projects in lieu of payment of the penalty amount; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the attached "Consent Order" (OGC File No. 21-0581) between the State of Florida Department of Environmental Protection and the City of Key West, to settle matters related to violations in conjunction with the operation of the Richard A. Heyman Wastewater Treatment Plant and the Sanitary Sewer Collections System, is hereby approved and accepted, and the Mayor is authorized to execute the Consent Order on behalf of the City.

Section 2: Funds for the stipulated penalty in the amount of \$58,125.73, or in-kind services alternate in the amount of \$87,188.60, if approved by FDEP, shall be budgeted in wastewater and/or sewer accounts. Funding for future projects related to the corrective actions will be budgeted into the wastewater and/or sewer accounts within the appropriate fiscal year that funding is needed. Any necessary budget transfers or adjustments are hereby approved.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2022.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2022.

Filed with the Clerk on _____, 2022.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK