



# FLORIDA DEPARTMENT OF Environmental Protection

Northeast District Office  
8800 Baymeadows Way West, Suite 100  
Jacksonville, Florida 32256-7577

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Interim Secretary

## BEFORE THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

### IN THE MATTER OF:

Mr. Joseph Helfenberger  
City Manager, City of Lake City  
205 North Marion Avenue  
Lake City, Florida 32055  
Fax: (386) 752-2031  
Email: [HelfenbergerJ@lcfla.com](mailto:HelfenbergerJ@lcfla.com)

### IN THE OFFICE OF THE NORTHEAST DISTRICT

**Administrative Order: AO 227 NE**  
**DEP Permit No: FLA113956**  
**File No.: FLA113956-022-DW1P**  
**St. Margaret's WWTF**

## ADMINISTRATIVE ORDER ESTABLISHING COMPLIANCE SCHEDULE UNDER SECTIONS 403.088(2)

### I. STATUTORY AUTHORITY

The Department of Environmental Protection (Department) issues this order under the authority of Section 403.088, Florida Statutes. The Secretary of the Department has delegated this authority to the Director of District Management, who issues this order and makes the following findings fact.

### II. FINDINGS OF FACT

1. City of Lake City (the "Permittee") is a "person" under Section 403.031, Florida Statutes (F.S.).
2. The Permittee owns and operates a domestic wastewater facility known as the St. Margaret's WWTF (FLA113956),

located at 527 S.W. St. Margaret's Street, Lake City, FL 32025, which discharges domestic wastewater into waters of the state as defined in Section 403.031(13), F.S.

3. The Permittee has filed application for renewal of DEP Permit No. FLA113956 under Section 403.088(2), F.S.

4. The Permittee is required to meet the requirements of the Basin Management Action Plan (BMAP) for the Implementation of Total Maximum Daily Load (TMDL) for the Santa Fe River Basin, as adopted by Final Order of the Department of Environmental Protection on June 29, 2018, in accordance with Section 403.067, F.S. The applicable TMDL requires the Permittee to reduce Total Nitrogen (TN) in the reclaimed water for reuse or land application as provided for in the BMAP.

5. The Permittee, City of Lake City, shall comply with the TN reductions required by the BMAP unless the Permittee can demonstrate reasonable assurance, as specified in the BMAP, that the reuse or land application of reclaimed water will not cause or contribute to a violation of the total nitrogen concentration established by the applicable TMDL.

6. Sections 403.088(2)(e) and (f), Florida Statutes, authorize the Department to issue a permit for the discharge of wastes into ground waters of the state, accompanied by an Order establishing a schedule for achieving compliance with all permit conditions if the specified criteria are met.

7. The Department finds that:

(1) The applicant needs permission to pollute the waters within the state for a period necessary to complete research, planning, construction, installation, or operation of an approved and acceptable pollution abatement facility or alternative waste disposal system;

(2) There are no present, reasonable, alternative means of disposing of the wastewater other than by discharging into waters of the state;

(3) The granting of an operation permit will be in the public interest.

### **III. ORDER**

Based on the foregoing findings of fact,

#### **IT IS ORDERED,**

1. The Permittee shall be allowed to apply reclaimed water on the slow-rate restricted public access system, R-001, on the public access reuse system, R-002, and shall comply with the requirements of this Order, the Permit, and any subsequent revisions to the Permit

2. This Order establishes an interim limit for total nitrogen and schedule for compliance with respect to the monitoring requirements and effluent limitation for this parameter as contained in Parts I.A.1 and I.B.1 of the Permit.

a. During the period beginning upon the effective date of the permit and lasting as indicated in the compliance schedule III.2.c., the Permittee is authorized to apply reclaimed water on the slow-rate restricted public access system, R-001 and the public access reuse system, R-002. Such discharge shall be monitored by the Permittee as specified below and reported in accordance with condition III.3.a(7):

Parameters	Units	Max/ Min	Effluent Limitations		Monitoring Requirements			Notes
			Limit	Statistical Basis	Frequency of Analysis	Sample Type	Monitoring Site	
Nitrogen, Total	mg/L	Max	Report	Annual Average	Monthly	Grab	EFA-1	See Permit Cond. I.A.1.
Nitrogen, Total	mg/L	Max	Report	Annual Average	Weekly	Grab	EFA-2	See Permit Cond. I.A.1.
Nitrogen, Total	mg/L	Max	Report	Annual Average	Monthly	Grab	EFA-3	See Permit Cond. I.B.1.

b. Effluent samples shall be taken at the monitoring site locations listed above and as described below:

Monitoring Sample Point	Description of Monitoring Point
EFA-1	Effluent, immediately following basic-level disinfection at WWTF prior to discharge to reservoir
EFA-2	Effluent, at 45-MG lined reservoir prior to discharge to sprayfield
EFA-3	Effluent, immediately after high-level disinfection prior to discharge

c. Compliance schedule for The Permittee shall complete the following action items:

	ACTION ITEM	DUE DATE
i.	Submit a plan of action to achieve the total nitrogen (TN) limit within Specific Condition Number I.A.1.	March 1, 2022
ii.	Implement the plan of action	September 1, 2022
iii.	Submit first report summarizing progress toward compliance with final limit for TN.	March 1, 2023
iv.	Submit second report summarizing progress toward compliance with final limit for TN.	September 1, 2023
v.	Submit third report summarizing progress toward compliance with final limit for TN.	March 1, 2024

	<b>ACTION ITEM</b>	<b>DUE DATE</b>
vi.	Submit fourth report summarizing progress toward compliance with final limit for TN.	September 1, 2024
vii.	Submit fifth report summarizing progress toward compliance with final limit for TN.	March 1, 2025
viii.	Submit final report summarizing the facility will meet and be in compliance with final limit for TN.	September 1, 2025

d. The interim limits and monitoring requirements for TN shall expire on August 31, 2025. Beginning on September 1, 2025, the compliance limit for total nitrogen, as required under Specific Permit Conditions I.A.1 and I.B.1, from Land application site R-001, or the public access reuse site R-002 shall begin to comply with a maximum limit of 3.0 mg/L for the annual average. The Permittee shall comply with Condition Numbers I.A.1/I.B.1 or obtain Department approved regulatory relief (i.e. variance, etc.) for TN as required by the permit.

e. Analytical Test Methods

The sample collection, analytical test methods, and method detection limits (MDLs) applicable to this permit shall be conducted using a sufficiently sensitive method to ensure compliance with applicable water quality standards and effluent limitations and shall be in accordance with Rule 62-4.246, Chapters 62-160 and 62-600, F.A.C., and 40 CFR 136, as appropriate. The list of Department established

analytical methods, and corresponding MDLs (method detection limits) and PQLs (practical quantitation limits), which is titled "FAC 62-4 MDL/PQL Table (November 10, 2020)" is available at

[https://floridadep.gov/dear/quality-](https://floridadep.gov/dear/quality-<br/>assurance/content/quality-assurance-resources)

[assurance/content/quality-assurance-resources](https://floridadep.gov/dear/quality-<br/>assurance/content/quality-assurance-resources). The MDLs and PQLs as described in this list shall constitute the minimum acceptable MDL/PQL values and the Department shall not accept results for which the laboratory's MDLs or PQLs are greater than those described above unless alternate MDLs and/or PQLs have been specifically approved by the Department for this permit. Any method included in the list may be used for reporting as long as it meets the following requirements:

- i) The laboratory's reported MDL and PQL values for the particular method must be equal or less than the corresponding method values specified in the Department's approved MDL and PQL list;
- ii) The laboratory reported MDL for the specific parameter is less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Parameters that are listed as "report only" in the permit shall use methods that provide an MDL, which is equal to or less than the applicable water quality criteria stated in 62-302, F.A.C.; and
- iii) If the MDLs for all methods available in the approved list are above the stated permit limit or applicable water quality criteria for that

parameter, then the method with the lowest stated MDL shall be used.

When the analytical results are below method detection or practical quantitation limits, the permittee shall report the actual laboratory MDL and/or PQL values for the analyses that were performed following the instructions on the applicable discharge monitoring report.

Where necessary, the permittee may request approval of alternate methods or for alternative MDLs or PQLs for any approved analytical method. Approval of alternate laboratory MDLs or PQLs are not necessary if the laboratory reported MDLs and PQLs are less than or equal to the permit limit or the applicable water quality criteria, if any, stated in Chapter 62-302, F.A.C. Approval of an analytical method not included in the above-referenced list is not necessary if the analytical method is approved in accordance with 40 CFR 136 or deemed acceptable by the Department. [62-4.246, 62-160]

f. The Permittee shall submit either a report of progress or, in the case of specific actions being required by an identified date, a written notice of compliance or non-compliance within 14 calendar days following a date identified in the above schedule of compliance, unless otherwise specified in this Order. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.



g. The Permittee shall collect, analyze, and report monthly DMR reports. The permittee shall use the electronic DMR system approved by the Department (EzDMR) and shall electronically submit the completed DMR forms using the DEP Business Portal at <http://www.fldepportal.com/go/>, unless the permittee has a waiver from the Department in accordance with 40 CFR 127.15. Reports shall be submitted to the Department by the twenty-eighth (28th) of the month following the month of operation.

Other reports or information required by this Order shall be sent to:

Thomas Kallemeyn  
Permitting Program Administrator  
FDEP Northeast District Office  
8800 Baymeadows Way West, Suite 100  
Jacksonville, Florida 32256

3. This order may be modified through revisions as set forth in Chapter 62-620, Florida Administrative Code.
4. Reports or other information required by this order shall be sent to 8800 Baymeadows Way West, Suite 100, Jacksonville, FL 32256-7577.
5. This order does not operate as a permit under Section 403.088, F. S. This order shall be incorporated by reference into DEP Permit No. FLA113956, which shall require compliance by the Permittee with the requirements of this order.
6. Failure to comply with the requirements of this order shall constitute a violation of this order and DEP Permit

No. FLA113956, and may subject the permittee to penalties as provided in Section 403.161, F. S.

#### **IV. NOTICE OF RIGHTS**

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and 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.

Under Rule 62-110.106(4), Florida Administrative Code, a person may request an extension of the time for filing a petition for an administrative hearing. The request must be filed (received by the Clerk) in the Office of General Counsel before the end of the time period for filing a petition for an administrative hearing.

Petitions by the applicant or any of the persons listed below must be filed within twenty-one days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), Florida Statutes, must be filed within twenty-one days of publication of the notice or within twenty-one days of receipt of the written notice, whichever occurs first. Section 120.60(3), Florida Statutes, however, also allows that any person who has asked the Department in writing for notice of agency action may file a

petition within twenty-one days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition or request for an extension of time within twenty-one days of receipt of notice shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, Florida Statutes. 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, Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as indicated in Rule 28-106.201, Florida Administrative Code:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, 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 will be affected by the determination;

- (c) A statement of when and how the petitioner received notice of the Department's 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 the petitioner contends warrant reversal or modification of the Department's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department'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 petitioner wishes the Department to take with respect to the Department's proposed action.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under Section 120.573, Florida Statutes, is not available for this proceeding.

This action is final and effective on the date filed with the Clerk of the Department unless a petition (or request for an

extension of time) is filed in accordance with the above. Upon the timely filing of a petition (or request for an extension of time), this order will not be effective until further order of the Department.

Any party to this order has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399 3000, 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 of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

DONE AND ORDERED on July 30, 2021 in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

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Thomas G. Kallemeyn  
Permitting Program Administrator

FILING AND ACKNOWLEDGEMENT & CERTIFICATE OF SERVICE

FILED on July 30, 2021, under Section 120.52, Florida Statutes, with the designated Deputy Clerk, receipt of which is hereby acknowledged.

The undersigned hereby certifies that this Order and all copies were mailed or transmitted electronically or by facsimile before the close of business on July 30, 2021 to the listed persons.

\_\_\_\_\_  
[Clerk]

July 30, 2021  
\_\_\_\_\_  
[Date]

Copies furnished to: