



FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis
Governor

Alexis A. Lambert
Secretary

Central District Office
3319 Maguire Blvd, Suite 232
Orlando Florida 32803

July 2, 2025

James P. Liesenfelt, Interim County Manager
2725 Judge Fran Jamieson Way
Building C, Suite 301
Viera, FL 32940
Jim.Liesenfelt@brevardfl.gov

Re: BCUD South Beaches WWTF
DW Facility ID #FL0040622
OGC Case No: 25-1121

Dear Mr. Liesenfelt:

Enclosed is the executed Consent Order to resolve the above referenced case. This copy is for your records.

Should you have any questions or comments, please contact Manuel F. Cardona at 407-897-4134 or via e-mail at Manuel.Cardona@FloridaDEP.gov

Your cooperation in this matter will be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Watkins".

Aaron Watkins
Director, Central District

Enclosure: Executed Long Form Consent Order

cc: FDEP: Lea Crandall, Anitra Spencer



FLORIDA DEPARTMENT OF Environmental Protection

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Central District Office
3319 Maguire Blvd, Suite 232
Orlando Florida 32803

June 25, 2025

James P. Liesenfelt, Interim County Manager
2725 Judge Fran Jamieson Way
Building C, Suite 301
Viera, FL 32940
Jim.Liesenfelt@brevardfl.gov

Re: BCUD South Beaches WWTF
DW Facility ID #FL0040622
OGC Case No: 25-1121
Brevard County

Dear Mr. Liesenfelt:

Enclosed is a Consent Order ("Order") prepared by the Department for resolution of the referenced enforcement case. Please review this document and within two days of receipt, return a signed copy to the Department. Once fully executed, a copy of the final document will be forwarded to you.

Should you have any questions or comments, please contact Manuel F. Cardona at 407-897-4134 or via e-mail at Manuel.Cardona@FloridaDEP.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Watkins".

Aaron Watkins, Director
Central District

Enclosure: Draft Long Form Consent Order

cc: Edward Fontanin, Edward.Fontanin@brevardfl.gov
Hope Brown, hope.brown@brevardfl.gov
Allison Chancy, Manuel Cardona, Central District

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION)	CENTRAL DISTRICT
)	
v.)	OGC FILE NO. 25-1121
)	
BREVARD COUNTY)	
_____)	

CONSENT ORDER

This Consent Order (Order) is entered into between the State of Florida Department of Environmental Protection (Department) and Brevard County (Respondent) pursuant to Section 120.57(4), Florida Statutes, to settle certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

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 (F.S.), and the rules promulgated and authorized in Title 62, Florida Administrative Code (F.A.C.). The Department has jurisdiction over the matters addressed in this Order.

2. Respondent is a person within the meaning of Section 403.031(9), F.S.

3. Respondent is the owner and is responsible for the operation of the Brevard County Utilities Department (BCUD) South Beaches Wastewater Treatment Facility (WWTF) and collection system, an 8.0 million gallons per day (MGD) annual average daily flow (AADF) domestic WWTF with surface water discharge (D-001) , underground injection (U-001) and land application (R-001) (Facility). The facility does not currently provide Advanced Wastewater Treatment (AWT). The facility is operated under Wastewater Permit No. FL0040622 (Permit), which was issued on August 9, 2024, and will expire on August 8, 2029. The Facility is located at 2800 South Highway A1A, Melbourne Beach, FL 32951, in Brevard County, Florida (Property). Respondent owns the Property on which the Facility is located.

4. The Department finds that the Respondent will not meet the July 1, 2025, requirement, pursuant to the Florida Statute (F.S.) 403.086, that the Facility may not dispose of any waste into the Indian River Lagoon (IRL), without providing AWT.

5. The Facility primarily utilizes an underground injection well (UIC) to dispose of treated effluent that is not reused. The deep injection well is authorized under UIC permit number 16327.

a. The facility maintains the surface water discharge point for use during high flow (weather) events and required testing of the UIC well during Mechanical Integrity Testing. In the past five years, the surface water discharge was used during October 2024, November 2023, October 2023, October 2022, and September 2022.

b. UIC permit 185898-005-UO/1M establishes a maximum injection rate and volume for one non-hazardous Class I injection well (IW-1). The maximum injection rate is 8,840 gallons per minute (gpm) and the maximum injection volume is 12.73 million gallons per day (mgd). In select conditions (planned testing, maintenance, or emergency conditions), the maximum allowable flow rate is 12 feet per second and maximum allowable volume is 15.3 mgd.

Having reached a resolution of the matter Respondent and the Department mutually agree, and it is

ORDERED:

6. Respondent shall comply with the following corrective actions within the stated time periods:

a. Respondent shall only utilize the surface water discharge (D-001) for significant weather events. Respondent shall provide written notification to the Department no less than 48 hours prior to anticipated use of D-001.

b. To fully utilize and facilitate the disposal capacity pursuant to paragraph 5.b., by July 1, 2026, the Respondent shall complete the installation of the required pumping equipment associated with existing Class I injection well, IW-1.

c. Within 30 days of the installation of the pumping equipment as described in paragraph 6.b., the Respondent shall submit a request for a permit modification to eliminate the surface water discharge component of the Permit (D-001).

7. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$250.00 in settlement of the regulatory matters addressed in this Order. This amount is for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order.

8. Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at:

<http://www.fldepportal.com/go/pay/>. It will take a number of days after this order is final, effective and filed with the Clerk of the Department before ability to make online payment is available.

9. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Manuel F. Cardona, Environmental Consultant, Department of Environmental Protection, Central District, 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803.

10. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

11. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for the violations described above up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

12. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

13. 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 resolved by this Order.

14. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$15,000.00 per day per violation, and criminal penalties.

15. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.

16. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

17. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.

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

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF CONSENT ORDER

Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of 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 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 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 the petitioner contends warrant reversal or modification of the agency's proposed action;
- f) A statement of the specific rules or statutes 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 petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at Agency_Clerk@floridadep.gov, within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at Insert District Office and Address. **Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes.**

Within 10- days after filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to an administrative hearing if mediation does not result in a settlement. Additional information about the mediation process and procedure is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

19. Rules referenced in this Order are available at <https://floridadep.gov/ogc/ogc/content/rules>.

FOR THE RESPONDENT:



James P. Liesenfelt
Interim County Manager

June 25, 25
Date

FOR DEPARTMENT USE ONLY:

DONE AND ORDERED this 2nd day of July, 2025, in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Aaron Watkins
District Director
Central District

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

Rebecca Nisuch
Clerk

July 2, 2025
Date

Copies furnished to:

Lea Crandall, Agency Clerk
Mail Station 35