

LABELLE SECURES FEDERAL STIMULUS FUNDS FOR ITS WATER TREATMENT PLANT

In early 2009, the Federal government launched the American Recovery and Reinvestment Act of 2009 (ARRA), which authorized approximately \$784 billion in stimulus spending to spur economic activity, create jobs, and promote green infrastructure.

ATM worked with its long-time client, the City of LaBelle, to secure nearly \$2 million through ARRA to upgrade LaBelle's water treatment plant.

The City is currently under a Consent Order to correct ongoing water quality issues at its 35-year-old water treatment plant. Addressing the issue requires costly upgrades with a nanofiltration system. LaBelle is located in southwest Florida, where unemployment is approaching 17% and is designated as a financially disadvantaged community. So, funding these innovative improvements through existing rate payers is not possible.

The Florida Department of Environmental Protection (FDEP) received funding for drinking water upgrades through ARRA for its State Revolving Funds (SRF) program. ATM and the City met with FDEP in early June and confirmed that the much needed project was a good fit for SRF. Following the meeting, the City, ATM, and FDEP worked together to take this project from concept to shovel-ready in one month. FDEP recently announced that the project has been accepted for funding.



The project is currently out to bid, and construction is expected to begin in January 2010. "The City, FDEP, and our staff all worked together to meet an unbelievable deadline. This project is a result of everyone's dedication and is a great example of the stimulus program at work. It is creating jobs in a region that leads the state in unemployment, and it is doing it by building necessary water infrastructure," said ATM's Project Manager Grant Mysterly, P.E.

ATM has served as LaBelle's City Engineer since the early 1990s. During this time, major utility improvement projects have been implemented, including upgrades to LaBelle's wastewater treatment plant, effluent disposal system, and sewer collection system.

EMPLOYEE SPOTLIGHT

Angela Bryan, P.E., M.B.A., LEED AP



Angela has been a member of ATM's Environmental Engineering Team in Jacksonville Beach for 12 years.

As the Utility Engineering Team Leader, Ms. Bryan has a strong water and wastewater engineering background particularly in the areas of master planning, hydraulic modeling, and construction design projects. Ms. Bryan has become very involved in the sustainable movement and low-impact development, most recently applying Leadership in Energy and Environmental Design (LEED) principles for water, wastewater, stormwater, and civil engineering aspects to resort developments in remote island destinations in the Caribbean and Dubai.

Outside of the office, Angela keeps busy chasing her 3-year-old daughter and keeping her entertained with trips to the beach, parks, and visiting family and friends.

DID YOU KNOW?

ATM WELCOMES A NEW PRESIDENT

In June, ATM welcomed a new president. W. Samuel Phlegar, P.E., a 20-year veteran of the firm, brings considerable management and technical experience to his new role. Mr. Phlegar received his Bachelor's degree in Civil Engineering from Clemson University and his Master's degree in Coastal and Oceanographic Engineering from the University of Florida. Based in ATM's Charleston, South Carolina office, he is a Professional Engineer in the states of South Carolina, North Carolina, Delaware, and internationally in the Bahamas.



Mr. Phlegar has most recently focused on marine related projects across the globe and now welcomes the opportunity to lead the firm.

NUMERIC NUTRIENT CRITERIA - STATUS UPDATE



The State of Florida has been working for more than a decade to develop numeric nutrient criteria that would replace the current narrative criteria, which states that discharges cannot “create an imbalance in flora and fauna.” If numeric criteria were put in place it would mean that there would be specific nitrogen and phosphorus limits that a waterbody would have to meet. If nutrient concentrations greater than the new targets are found, the waterbody would be deemed impaired. Under the Federal Clean Water Act (CWA), waters identified as impaired are required to be listed on the State of Florida 303(d) list and a TMDL, or Total Maximum Daily Load, must be developed. A TMDL is the maximum amount of a given “pollutant,” in this case nutrients, that a waterbody can assimilate and still achieve its designated use. Implementation of TMDLs, with the associated reductions in nutrient loads, can significantly impact local governments through load reductions from wastewater treatment facilities and NPDES Stormwater permits.

In January 2009, the EPA made a determination under the CWA that new or revised nutrient water quality standards are required for Florida, and FDEP was working towards presenting numeric nutrient criteria to the Environmental Regulatory Commission in October 2009. However, that changed in August when the EPA entered into a Consent Decree to resolve a lawsuit filed by EarthJustice. The terms of the Consent Decree require EPA to propose criteria for lakes and freshwater streams no later than January 14, 2010 and publish notice of final rulemaking no later than October 15, 2010. For estuaries and coastal waters, EPA would propose one year later, January 14, 2011, with final rulemaking by October 15, 2011. To avoid duplication of effort, the FDEP has essentially suspended its independent development of criteria and has provided its data to EPA to support their efforts.

Shortly after the settlement agreement was disclosed, a group of utilities filed a notice of intent to file suit against the EPA to fight the Consent Decree. In a fairness hearing held on November 16, 2009 in U.S. District Court, Judge Robert Hinkle found that the proposed Consent Decree between the Plaintiffs and EPA was a fair and reasonable compromise. However, he allowed the

challenge to the Decree to move forward. The procedural challenge will likely be argued in January 2010.

Why does this matter to local governments? Reducing loads from wastewater treatment plants and stormwater discharges is costly. The application of one size fits all criteria may create situations where limited local resources are expended to reduce loads where nutrients may not be degrading the local environment. Also of concern is that EPA's criteria may be stricter than levels established in waterbodies with completed TMDLs. FDEP has stated that it believes presently adopted TMDLs will supercede EPA criteria, but the concern over potential reopening still exists. Additionally, EPA is presently developing methods for assessing if upstream discharges could have detrimental impacts on our coastal bays and estuaries. Initial reports from EPA state “it seems likely that downstream use protection of estuaries will drive stream nutrient criteria in Florida....” This means that more restrictive estuarine targets may be imposed upon upstream freshwater areas with limits even lower than the EPA numeric freshwater criteria. What EPA puts out in January of 2010 will likely have significant fiscal impacts on local governments in Florida. Local governments need to closely monitor and actively participate in the process.

ATM is currently working with agencies and local governments throughout the state on issues related to TMDL development and establishment of numeric nutrient criteria.

For additional information on how ATM can assist you or your community, please contact Steve Peene (850-591-1888) or Janet Hearn (386-418-6436).

ATM is a water resources, environmental, marine, and coastal engineering firm. Our staff takes pride in developing customized and practical solutions that meet the functional, regulatory, and economic needs of our clients.

What topics or concerns would you like to see explored in upcoming issues of *Pipelines*?

If you have suggestions, would like to be interviewed for *Pipelines*, or added to our mailing list, please call Grant Mysterly at (904) 249-8009 or email gmysterly@appliedtm.com