

*BACKUP  
DOCUMENTS*

**POLK COUNTY**

COPY

**SUBJECT:**

Approve the short form consent agreement (OGC File No. 26-0462) with the Florida Department of Environmental Protection (FDEP) to resolve a County self-reported sanitary sewer overflow incident. (\$56,773.50 not-to-exceed, one-time expense)

**DESCRIPTION:**

On November 22, 2025, a force main near Champions Gate Blvd within the Northeast Regional Utility Service Area (NERUSA) in Davenport, ruptured due to a split in the force main. Inspection reports identified the cause of the split was pipe deflection during the initial construction or subsequent modifications to the system. Approximately 5,400,000 gallons of raw wastewater were discharged. Remediation efforts included diverting wastewater to a County-owned stormwater holding pond, posting signs for notification of the spill, removing 2,678,400 gallons from the wetland system initially impacted and 2,160,000 gallons from the stormwater pond. The total amount recovered from both sites totaled 4,838,400 gallons.

Polk County Utilities was in the process of replacing 3,000 ft. of 24-inch force main that were found to use defective construction or deflection of the pipe during or after installation. Until the force main is complete, PCU is storing piping and appurtenances needed to divert flow quickly to improve response time.

The FDEP has provided the proposed agreement to resolve the matter. Under the agreement the County could elect to expend the sum of \$56,773.50 (one and one-half times a potential civil penalty) on an in-kind project and \$250.00 in FDEP costs and expenses to fully resolve the matter. The County's acceptance of the FDEP's offer is not an admission of liability for a violation but is an acknowledgement of the potential harm a large sanitary sewer overflow could have on the environment and public health.

**RECOMMENDATION:**

Recommend approval of the proposed FDEP agreement (OGC File No. 18-0115) at a not-to-exceed, one-time expense of \$56,773.50.

**FISCAL IMPACT:**

Funding is available in the Utilities Regulatory Affairs budget in FY 2026.

**CONTACT INFORMATION:**

Name: Krystal Azzarella  
Title: Environmental Affairs Manager  
Division: Utilities  
Phone: (863) 298-4195  
E-mail Address: KrystalAzzarella@polkfl.gov

Name: Jim Tully, P.E.  
Title: CIP Manager  
Division: Utilities  
Phone: (863) 298-4214

E-mail Address: JamesTully@polkfl.gov

**CHECKLIST**

- Purple Sheet and Review – Legal**
- Division Fiscal Review**
- Risk Review (if appropriate)**
- Appropriate Insurance**
- Deputy County Manager is Aware and Agrees**
- Vendor Signature**

**Comments/Notes:**

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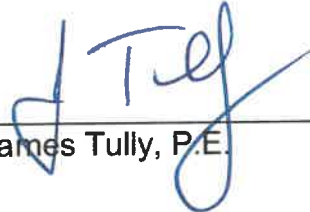
**Division Director Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

PROJECT CHECKLIST

**COPY**

- 1. Project Name: Approve the settlement agreement (OGC File No. 26-0462) with the Florida Department of Environmental Protection (FDEP) to resolve County self-reported sanitary sewer overflow incidents which occurred because of pipe deflections during or subsequent to installation.
- 2. Project Location: Northeast Regional Utility Service Area
- 3. Source of Funds: 42011.670536015.5349010 (Utilities Regulatory Affairs Budget)
- 4. Project Cost Summary: \$56,773.50 not-to-exceed, one-time expense
- 5. Certifications: This request has been reviewed by:

Utilities Environmental Manager:   
Krystal Azzarella

Utilities CIP Manager:   
James Tully, P.E.

Customer Service/Finance Manager:   
Charles Richards, CPA

Utilities Division Director:   
Tamara Richardson, P.E.

# REQUEST FOR LEGAL SERVICES

**To:** County Attorney's Office- Attention : Tom Norsworthy

**From:** Tamara Richardson, P.E. Utilities Director

**Division:** Utilities

**Prepared by:** Emily Perez **Phone Number:** 863-298-4142

**Date:** May 11<sup>th</sup>, 2026

**Subject:** Approve the short form consent agreement (OGC File No. 26-0462) with the Florida Department of Environmental Protection (FDEP) to resolve a County self-reported sanitary sewer overflow incident. (\$56,773.50 not-to-exceed, one-time expense)

## BACKGROUND:

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## REQUESTED ACTION:

Recommend approval of the proposed FDEP agreement (OGC File No. 18-0115) at a not-to-exceed, one-time expense of \$56,773.50.

**Need response no later than** **Monday** **5** **15** **2026**  
(day of month) (month) (day) (Year)

APPROVED BY

Tom Norsworthy

*Agmt ok;  
Consent Ltr  
State a 5/11/26  
response date. Has  
this been extended  
by FDEP in writing?  
Tom Norsworthy  
26-323 5/14/26*

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For County Attorney office use only:

Date \_\_\_\_\_

Signature \_\_\_\_\_

Assign to : \_\_\_\_\_

Date \_\_\_\_\_

County Attorney Project No: 26-323

Logged out: 5/14/26

**Utilities Division -Signature Request/Routing Request**

**PLEASE REVIEW AND APPROVE THE ENCLOSED DOCUMENTS AND  
FORWARD AS NOTED BELOW**

**County Manager Approval Track**

**PROJECT TITLE:** Approve the short form consent agreement (OGC File No. 26-0462) with the Florida Department of Environmental Protection (FDEP) to resolve a County self-reported sanitary sewer overflow incident. (\$56,773.50 not-to-exceed, one-time expense)

PROJECT MANAGER: Krystal Azzarella

Number of original documents enclosed: 2

**MUST BE RETURNED BY : May 18<sup>th</sup>, 2026**

- N/A    **PROCUREMENT** / Colin Burke: All originals with support are attached for your review and approval. **COLIN: Please forward this package to the County Attorney offices Attention Lisa after signature.**
- TN    **COUNTY ATTORNEY**/Thomas Norsworthy: All originals with support are attached for your review and approval. **LISA: Please forward this package to the Deputy County Manager offices, Atten: Mercedes, after signature.**
- **DEPUTY CO. MGR.** / John Bhode: All originals with support are attached for your review and approval. **MERCEDES: Please return this entire package back to Emily Perez in the Utilities Division after signature.**

**Please email me a quick message to let me know when this package has left your offices to the next party – THANKS!**

**ATTEN: Emily Perez, Mail Drawer UT01 (Phone: 863-298-4142)**