



This is a summary of questions and actions discussed in our June 20<sup>th</sup> meeting regarding Manuel's Branch, Billy's Creek and Consent Order 20-0851 between the Florida Department of Environmental Protection and the City of Fort Myers. This documents most of Calusa Waterkeeper's questions from the meeting and emphasizes the items we believe to be the highest priority to answer.

**Next steps** discussed in the meeting:

1. ~~FDEP to assist with some introductions to City staff~~ (completed)
2. FDEP to "deep dive" on the consent order progress
3. FDEP to investigate Tropic Trailer Park infrastructure
4. CWK to compile and submit our questions in writing, and provide additional narrative on our Manuel's Branch bracketing observations to accompany the charts already submitted (completed by this email and attachment)
5. CWK to make public records request on C.O. amendment (underway)
6. CWK/FDEP to explore getting our data into WIN database
7. CWK to proceed with engaging City, public outreach, and monitoring (underway)

**Compliance Questions:**

1. What is the DEP's assessment of the City's compliance with the C.O. so far? Which corrective actions of the C.O. are complete? Which actions are lagging?
2. What specific actions have been taken to reverse Fecal Indicator Bacteria impairments within Manuel's Branch WBIDs?
3. **Does monitoring for HF183/acetaminophen at the same two site locations every quarter satisfy the letter and intent of "source specific monitoring" in C.O. Item G?**
4. **If two consecutive "clear" quarters are never observed, can the consent order ever truly/legally be completed (Items G and K)?**
5. What other corrective actions can the City be compelled to accelerate prior to the various consent order deadlines?
6. What constitutes meaningful progress?

**Tropical Trailer Park Lift Station & Infrastructure:**

1. How does the 3-sided structure (highlighted in the early PRP quarterly reports) contain spills?
2. Were any improvements made to the lift station other than that above ground "containment" structure?

3. Are the previous dye test results available?
4. How do these private lift stations along the creek connect to the city infrastructure?
5. **Please share the documentation identifying all the drains and outfalls along Manuel's Branch.** (FDEP Staff indicated this had been done early in the c.o. process).
6. Is it time for another dye-test of lift stations in the area? Lift station load tests?
7. If the trailer park or similar privately maintained infrastructure is found to be a point source of contamination to Manuel's Branch, please describe which authorities will take the lead and outline the process for compelling corrective actions.

#### **Regarding the PRP Quarterly Reports:**

1. Stated in the Y3Q4 Report, "An abandoned pipe was observed beneath the bridge crossing Michigan Avenue" and "...the City is currently reviewing as-built drawings to confirm. Additional detail pertaining to the findings... will be reported in the Y4Q1 report." No additional details about the Michigan Ave pipe were included in the Y4Q1 report, as promised in Y3Q4, beyond stating that "no discharge" was observed. What was discovered from reviewing the drawings as promised? Has the pipe been confidently identified?
2. Both Y3Q4 and Y4Q1 reports report, "No sanitary sewer spills or overflows" but the City reported and was fined for 28,000 gallons spilled (1/15/2024) at the Raleigh St. Facility along Billy's Creek. Is this an omission in the reporting, or an assertion that the spill had no impact on surface and ground waters?

As time allows our volunteers to further review more of the quarterly reports, we may have additional questions/observations. We trust that the new district department staff have familiarized themselves with all 3.5 years of the reports and identified their own questions.

#### **New follow-up questions:**

1. The City's stance is that this (Y4Q2) may be the last quarter they need to perform human source tracing if it returns as a non-detect. **Would the department be willing to perform parallel human source tracing sampling of Manuel's Branch this quarter, to verify their results?**
2. **What is the department's timeframe and process for responding to the City's request to amend the consent order?**
3. How does it serve the mission of the Department to not disclose/post the City's amendment request and correspondence right away?