

Here is a longer more detailed information from Dig Deep Cudjoe:

We are indeed fortunate to have public interest watchdogs in our midst. A few in the Cudjoe Gardens POA recently discovered something that probably would have flown under the radar.

It seems that the 5 year permit issued to FKAA in 2009 to build the wastewater treatment plant on Cudjoe Key, is coming up for renewal. And as these watchdogs looked into what the permit says and how it was issued, they started to get concerned.

The permit was issued by the Florida Department of Environmental Protection (DEP). A DEP rule is that treatment plants with a design capacity for processing more than a million gallons of wastewater a day must dispose of the "effluent" in deep wells – around 2000 feet underground. The intent of the rule is to prevent the effluent from mixing with near shore water and causing any degradation.

Here are the projected flows the Cudjoe plant is being built to handle.

	Million Gallons Per Day
Annual Daily Average	.94
Three Month Average Daily	1.07
Maximum Monthly Average	1.18
Peak Daily Average	2.35
Peak Hourly Average	3.09

The plant is engineered to treat 2.35 million gallons a day (the peak daily average flow). Which number should be used to define the plant's design capacity? FKAA wanted to use the annual daily average of .94 million gallons a day. That would not have triggered the deep well requirement.

The record shows there were a number of "lengthy conversations" and a compromise was reached. The resulting permit declared the design capacity of the plant to be 1.07 million gallons a day based on the Three Month Average Daily Flow. But DEP *permitted* the plant for only .84 Three Month Average Daily Flow -- which was the projection for 5 years out from 2009 and the time horizon of the permit. DEP allowed FKAA to build 4 shallow wells, about 120 feet deep, *each* able to accommodate .94 million gallons a day.

(Remember in 2009, there were no shovels in the ground and no funding sources for the CRWS. A deep well was much more expensive to build than a shallow one. This was about the same time the switch to grinder pumps was made for our neighborhood.) FKAA now wants to renew this permit for another 5 years.

The more our watchdogs dug into the regulatory and legal thicket, the more concerned they got. It seemed the deep well rule and other regulations had been violated.

Even if "only" 940,000 gallons a day flow into shallow wells, wouldn't there be environmental impacts? The watchdogs suspect the wastewater will move into Bow and Kemp channels and then into the back country and front flats. There is scientific evidence to support this.

They also learned that this water, though clear and treated to very high standards still contains over twice the levels of nitrogen and phosphorous that tests show our canals have today. It also contains, solids, fecal Coliform, chlorine, antibiotics, hormones, and pharmaceuticals that we humans excrete. Millions of gallons a day of water -- even with low levels of these pollutants -- flowing into our near shore waters cannot be good. There is scientific literature to support this as well. In fact, a recent Florida Keys National Marine Sanctuary report to Congress shows that the Backcountry waters are already threatened.

So the concern grew. To the point that a number of individuals banded together to generate public awareness. They developed some fact sheets, put information on a web site and named the campaign: Dig Deep Cudjoe. We encourage all of you to check the site for more information: <http://www.digdeepcudjoe.com/>.

The campaign is gaining traction. It even made the June 22 Sunday front page headline in The Citizen!

What to do?

FCAA is defending its plan and says we do not need a deep well. They do say, however, that if DEP requires one, they will build it. And they would be happy to build one if the BOCC requests it and authorizes the money, now estimated to be \$5M to \$8M. But we don't think the BOCC is in any mood to allocate more money to the CRWS – unless they are told by FCAA or DEP that they have to.

Fortunately, there may be a way out of this endless loop.

There is a legislative mandate that the public be given an opportunity to weigh in on permit decisions. Before a permit becomes final, DEP first publishes a notice of intent to issue the permit. Then there are 14 days in which anyone can petition for a higher level review. A lone fishing guide could do this. The review is in the form of a hearing before an Administrative Judge – one who listens to both sides, considers the law, and then decides. But as with any debate, the effectiveness of the arguments determines the outcome.

The Dig Deep Cudjoe campaign has assembled an impressive group of environmental lawyers, scientists and engineers -- many of whom are willing to work pro bono because they believe the case is so strong. They need to be ready to file this petition within 14 days of a DEP notice which could happen at any time. But there are still costs associated with doing this.