

RESOLUTION NO. 2026 - 10

**A RESOLUTION OF THE TOWN OF CINCO BAYOU
FLORIDA, REQUESTING A FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION-LED SOURCE
IDENTIFICATION AND RESTORATION INVESTIGATION
FOR CINCO BAYOU, WATERBODY IDENTIFICATION
NO. 843; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Cinco Bayou is a shared recreational, ecological, and economic resource connected to multiple drainage, stormwater, transportation, and utility systems; and

WHEREAS, beginning August 2, 2026, Cinco Bayou experienced an acute event involving discolored water, odor, aquatic-animal distress, fish and invertebrate mortality, and very low dissolved oxygen, followed by recurring public-health advisories for elevated Enterococcus bacteria; and

WHEREAS, local and state personnel have conducted field inspections, water-quality sampling, infrastructure review, and targeted testing, including dye and sonar examination of a particular submerged force-main segment, without publicly identifying a single source or pathway that explains the acute event and recurring advisories; and

WHEREAS, testing of a particular asset without finding a defect does not exclude intermittent releases, other sanitary infrastructure, stormwater, sediment, wildlife, vessels, or interacting natural and human-influenced processes; and

WHEREAS, the Florida Department of Environmental Protection (“FDEP”) has classified Cinco Bayou, WBID 843, as impaired for Enterococci, Integrated Report Category 5, with high priority for Total Maximum Daily Load development, and the waterbody remains on Florida’s Verified List and Clean Water Act section 303(d) list; and

WHEREAS, FDEP’s 2022 assessment stated that anthropogenic sources had been identified using land-use, genetic-marker, and chemical-tracer information, while the underlying source-identification records have not been fully reconciled in public with reported 2026 testing that did not attribute a human signal; and

WHEREAS, FDEP’s final 2024–2026 assessment also places dissolved-oxygen percent saturation in Category 4d because water-quality criteria are not attained but a causative pollutant has not been identified; and

WHEREAS, the data periods used for those state assessments ended before the August–September 2026 events, making a coordinated event-focused investigation necessary; and

WHEREAS, WBID 843 did not appear in FDEP’s published 2026–2028 Draft TMDL Prioritization List, notwithstanding its existing high-priority Enterococci classification; and

WHEREAS, FDEP is Florida’s lead agency for impaired-water assessment, TMDL development, restoration planning, wastewater regulation, and administration of the municipal separate storm sewer system program and is therefore the appropriate agency to coordinate a multi-jurisdictional investigation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA:

1. The Town respectfully requests that the FDEP jointly lead a “Cinco Bayou WBID 843 Source-Identification and Restoration Investigation” involving the Division of Environmental Assessment and Restoration (including the Watershed Assessment and Water Quality Evaluation/TMDL programs), the Northwest District, and the Division of Water Resource Management’s NPDES Municipal Stormwater Program.
2. FDEP is encouraged to designate a technical team with FDEP that includes appropriate representatives of DOH-Okaloosa, FWC/FWRI, the Northwest Florida Water Management District, the Choctawhatchee Bay Estuary Program, FDOT District Three, affected local governments, utilities, and verified owners or operators of contributing outfalls and infrastructure.
3. FDEP is further encouraged to consider the Attachment as a Recommended Minimum Scope of Work.

This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED in a Regular Session by the Town Council of the Town of Cinco Bayou, FL the 28th day of October 2026.

ATTEST:

TOWN OF CINCO BAYOU, FLORIDA

Keith Williams
Town Manager/Town Clerk

Danny Dillard
Mayor Pro Tem

(SEAL)

The form and legal sufficiency of the foregoing has been reviewed and approved by the Town Attorney

C. Jeffrey McInnis
Town Attorney

EXHIBIT A — RECOMMENDED MINIMUM INVESTIGATION SCOPE

1. A verified hydrologic boundary and owner-tagged inventory of all municipal, county, state, private, and utility outfalls and relevant sanitary infrastructure connected to Cinco Bayou and contributing subwatersheds, including Gap Creek.
2. Review and reconciliation of the complete technical record supporting the 2022 Enterococci listing, including land-use analyses, microbial genetic-marker results, chemical tracers, stations, dates, detection limits, quality controls, and conclusions.
3. Coordinated dry-weather and wet-weather sampling, including first-flush, peak-flow, and recession conditions, with measured discharge where practicable.
4. Paired regulatory Enterococcus measurements, validated microbial-source-tracking markers for human and locally relevant animal sources, appropriate chemical tracers, and documented QA/QC.
5. Continuous, multi-depth monitoring of dissolved oxygen, temperature, salinity or conductivity, water level, pH, turbidity, and chlorophyll or comparable algal indicators, correlated with rainfall, tide, wind, and discharge conditions.
6. Sediment, porewater, resuspension, organic-loading, nutrient, sulfide, and sediment-oxygen-demand evaluation sufficient to distinguish water-column, sediment, stormwater, and sanitary pathways.
7. Phytoplankton identification, abundance, and appropriate toxin testing during suspected bloom or bloom-collapse events.
8. A rapid-response protocol for odor, discoloration, fish distress, fish kills, or bacterial exceedances, including immediate collection of fresh biological specimens where available.
9. Targeted CCTV, smoke, dye, pressure, telemetry, alarm, flow, and maintenance-record review where preliminary evidence identifies a sanitary or stormwater pathway.
10. Review of the complete FDEP/State Watch Office files for incidents 20267298 and 20263463; the City of FWB July 16, 2026 Beal Parkway sewer-repair file; the Winn Davis Park outfall-repair file; and a documented hydrologic determination regarding any connection to WBID 843.
11. A source-ranking and restoration report stating the evidence, uncertainty, responsible infrastructure where established, recommended corrective measures, funding options, and criteria for measuring success.

Requested project outputs

- Project charter, approved QAPP, station/outfall map, event-response protocol, and public data portal.
- Interim wet/dry and continuous-monitoring report with raw data and QA review.
- Source/pathway ranking with uncertainty and recommended confirmatory work.
- Enterococci TMDL or documented alternative restoration schedule; dissolved-oxygen stressor decision; permit/MS4 and capital recommendations tied to evidence.
- Outcome-monitoring plan linked to attainment and delisting requirements.