MEMORANDUM

GOE
Agenda Item No. 7(C)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE: April 20, 2004

SUBJECT: Alternative Treatment Technology Per Consent Order With State Department of Environmental Protection

FROM: George M. Burgess
County Manager

The purpose of this memorandum is to advise the Board of County Commissioners of the status and recent problems with the pilot testing of alternative treatment technologies for the South District Wastewater Treatment Plant pursuant to the Consent Order between Miami-Dade County and the State of Florida Department of Environmental Protection (DEP). The Board of County Commissioners approved the Consent Order on July 22, 2003, and during this meeting Commissioner Martinez requested monthly updates on the pilot testing. The Consent Order itself is progressing through the public hearing process as described in my memorandum to you dated February 10, 2004, and it is anticipated to become effective in early May 2004.

The Miami-Dade Water and Sewer Department (WASD) has initiated preliminary pilot testing of alternative treatment technologies consistent with the Consent Order. Although it is too early to determine the outcome of the testing, if these tests turn out to be favorable to the County, the savings of constructing these alternative treatment technologies, required by the Consent Order, could be in excess of $100 million. In other words, a lot of money is riding on the results of these pilot tests.

Unfortunately, a recent disagreement has arisen regarding the protocol to be used to complete the pilot testing. DEP is currently requesting the County to use a test method for pathogens that would provide, in our opinion, inaccurate results. WASD is proposing an alternative laboratory method for determining pathogen viability, but DEP is currently rejecting this proposal. Therefore, WASD is preparing to pursue this matter by presenting the County's position to upper management at DEP within the next few weeks, and through administrative hearing processes if necessary. The WASD Director has assured me that he will pursue this matter vigorously with DEP and recognizes the importance of maintaining the schedule detailed in the Consent Order, while at the same time protecting the County's financial interests. I will keep you apprised on the progress of these negotiations as they proceed.

Assistant County Manager