

Memorandum

MIAMI-DADE
COUNTY

Date: April 22, 2008

To: Honorable Chairman Bruno A. Barreiro and
Members, Board of County Commissioners

Agenda Item No.
12(B)1

From: George M. Burgess
County Manager



Subject: Quarterly Report: Authorized Negotiations and Settlements of Enforcement Actions of
Violations against Miami-Dade County resulting from the Operation of the County's
Water and Sewer System

On July 18, 2006, the Board of County Commissioners approved Resolution R-874-06 authorizing the County Manager or his designee to negotiate and settle enforcement actions or notices of violation not to exceed \$10,000 brought against Miami-Dade County resulting from the operation of the County's water and sewer system. The resolution requires that these negotiations and settlements be presented to the Board for ratification.

Since the last report provided to the Board on December 4, 2007, the Miami-Dade Water and Sewer Department (WASD) has entered into one settlement with the Florida Department of Environmental Protection (FDEP), requiring the payment of a total \$7,500 in penalties and expenses. A copy of the fully executed and filed Consent Order agreement is attached. In this settlement, WASD agreed to pay \$7,000 in penalties plus \$500 for the administrative costs and expenses incurred by the FDEP. This settlement was for an unauthorized discharge of wastewater from underground sewage transmission system that occurred on April 13, 2007. This discharge was the result of a sewage force main break.

WASD will continue to keep the Board informed of any other settlements of enforcement actions brought against the County resulting from the operation of the County's water and sewer system.



Assistant County Manager



Florida Department of Environmental Protection

Southeast District
400 N. Congress Avenue, Suite 200
West Palm Beach, Florida 33401

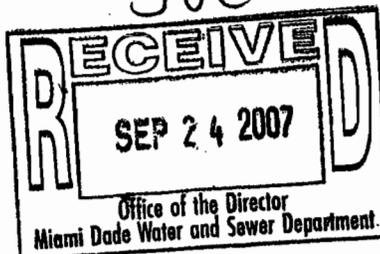
Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

SEP 18 2007

RETURN RECEIPT REQUESTED



Mr. John Renfrow, Director
Miami-Dade Water and Sewer Department
P.O. Box 330316
Miami, FL 33233-0316

DW-Dade County

SUBJECT: Proposed Settlement of DEP vs. Miami-Dade Water and Sewer Department
OGC No. 07-1186

Dear Mr. Renfrow:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated May 09, 2007, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matter identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$7,000.00, along with \$500.00 to reimburse the Department costs, for a total of \$7,500.00.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Water Facilities Compliance/Enforcement, 400 North Congress Ave., Suite 200, West Palm Beach, Florida, 33401, within 30 days of the execution of this letter.

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Section 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address within 30 days of your receipt of this letter, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,

Jack Long
District Director
Southeast District

9/17/07
Date



OFFICE OF THE ASSISTANT DIRECTOR
REGULATORY COMPLIANCE & PLANNING
Miami-Dade Water & Sewer Department

FOR THE RESPONDENT:

I, John Renfrow, on behalf of Miami-Dade Water and Sewer Department,

HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

FOR THE RESPONDENT:

FOR THE DEPARTMENT:

By:  10-4-07
Mr. John Renfrow, Director Date
Miami-Dade Water & Sewer Department

Jack Long Date
District Director
Southeast District

DONE AND ENTERED this ____ day of _____, 200_, in West Palm Beach, Florida.

FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk

JL/LAB/TRB/mp

Date

Attachment: Warning Letter #WL 07-0062 DW 13 SED

Copies furnished to:
Agustin Socarras, Miami-Dade County DERM
Mike Tanski, DEP / Tallahassee
David O'Brien, DEP / Tallahassee
Tim Powell, DEP / W.P.B.

SocarA@miamidade.gov
Mike.Tanski@dep.state.fl.us
David.O'Brien@dep.state.fl.us
Tim.Powell@dep.state.fl.us

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



Environmental Protection

Southeast District
400 N. Congress Avenue, Suite 200
West Palm Beach, Florida 33401

Jeff Korkamp
Lt. Governor

Michael W. Sole
Secretary-Designee

MAY 09 2007

CERTIFIED MAIL #7006 0100 002 8786 9712
RETURN RECEIPT REQUESTED

WARNING LETTER
WL 07-0062 DW13 SED

Mr. John Renfrow, Director
Miami-Dade Water and Sewer Department
P.O. Box 330316
Miami, Florida 33233-0316

SUBJECT: Multiple Unauthorized Wastewater Discharges occurring during portions of Calendar Year 2006-2007

Dear Mr. Renfrow:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. The following unauthorized wastewater discharges occurred in Miami-Dade County, indicating that violations of Florida Statutes and Rules may have occurred.

Incident	Date	Location of Discharge	Volume Discharged
#1	11/01/2006	Biscayne Boulevard & NE 10th Street.	~11,000Gals.
#2	01/09/2007	SW 132 Avenue & SW 264th Street.	~8,004Gals.
#3	02/09/2007	NW 31st Street & NW 97 Avenue.	~44,685 Gals.
#4	4/03/2007	NW 197 Street & 82 Avenue.	~44,640Gals.
#5	04/05/2007	SW 13 Terrace & 152 Avenue.	~27,900 Gals.
#6	04/10/2007	SW 151 Terrace & 107 Avenue.	~4,560 Gals.
#7	04/13/2007	SW 30th to SW 31st. East of SW 108 Ave.	~5,920Gals.
#8	04/13/2007	NW 21st Street and 39 Court.	~258,508Gals.
#9	04/16/2007	SW 108 Avenue Between SW 30th & 31st Street.	~7,380Gals.

Rule 62-604.130(1), Florida Administrative Code (F.A.C.), under prohibitions, provides that the following acts and the causing thereof are prohibited: (1) The release or disposal of excreta, sewage, or other wastewaters or residuals without providing proper treatment approved by the Department or otherwise violating provisions of this rule or other rules of the Florida Administrative Code.



Carlos Alvarez, Mayor

November 15, 2007

Certified Mail 7003 1680 0004 5544 0805

Return Receipt

Electronic transmittal via internet

CCN: 50517

Mr. Jack Long Jack.Long@dep.state.fl.us
District Director
Florida Department of Environmental Protection
Southeast District
400 N Congress Avenue, Suite 200
West Palm Beach, FL 33401

Subject: Settlement of DEP vs. Miami-Dade Water and Sewer Department
(MDWASD), OGC File Number 07-1186

Dear Mr. Long:

Attached is a check in the amount of \$7,500 for payment of the civil penalties and to reimburse the FDEP for the administrative costs associated with this short form consent order, with the acknowledgement that this payment does not constitute an admission of liability.

If you have any questions, please call me at (786) 552-8200 or Mr. Vicente Arrebola at (786) 552-8116.

Sincerely,

Joseph A. Ruiz, Jr.
Deputy Director of Operations

JAR/ro

c: Mike Tanski, FDEP/TAL Mike.Tanski@dep.state.fl.us
David O'Brien, FDEP/TAL David.O'Brien@dep.state.fl.us
Linda Brein, FDEP/SED Linda.Brein@dep.state.fl.us
Todd Brown, FDEP/SED Todd.Brown@dep.state.fl.us
Tim Powell, FDEP/SED Tim.Powell@dep.state.fl.us
Agustin Socarras, DERM SocarA@miamidade.gov

Attachment: Check Number 00358317

Delivering Excellence Every Day

L07235FDEP-SSO-Settlement

7

- ADA Coordination
- Agenda Coordination
- Animal Services
- Art in Public Places
- Audit and Management Services
- Aviation
- Building
- Building Code Compliance
- Business Development
- Capital Improvements
- Citizens' Independent Transportation Trust
- Commission on Ethics and Public Trust
- Communications
- Community Action Agency
- Community & Economic Development
- Community Relations
- Consumer Services
- Corrections & Rehabilitation
- Cultural Affairs
- Elections
- Emergency Management
- Employee Relations
- Empowerment Trust
- Enterprise Technology Services
- Environmental Resources Management
- Fair Employment Practices
- Finance
- Fire Rescue
- General Services Administration
- Government Information Center
- Historic Preservation
- Homeless Trust
- Housing Agency
- Housing Finance Authority
- Human Services
- Independent Review Panel
- International Trade Consortium
- Juvenile Services
- Medical Examiner
- Metro-Miami Action Plan
- Metropolitan Planning Organization
- Park and Recreation
- Planning and Zoning
- Police
- Procurement Management
- Property Appraisal
- Public Library System
- Public Works
- Safe Neighborhood Parks
- Seaport
- Solid Waste Management
- Strategic Business Management
- Team Metro
- Transit
- Task Force on Urban Economic Revitalization
- Vizcaya Museum And Gardens
- Water & Sewer**

Mr. Jack Long

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November 15, 2007

Settlement Consent Order OGC 07-1186

bc: (electronic copies)
J. Renfrow
J. Ruiz
L. Yoder
V. Arrebola
D. Camacho
B. Goldenberg
H. Gillman
D. Murray
S. Negahban
R. O'Rourke
J. Acevedo

MIAMI-DADE WATER AND SEWER DEPARTMENT
 POOLED CASH ACCOUNT
 P.O. BOX 330316 MIAMI, FL 33233-0316

Check Date: 10/31/2007 Vendor Name: STATE OF FLORIDA Check Number: 00358317

Invoice Number	Invoice Date	Voucher ID	Gross Amount	Payment Deductions			Paid Amount
				Insp Gen Fee	User Access Fee	Discount	
OGC NO 07 1185	09/17/2007	DP29083	7500.00	0.00	0.00	0.00	7,500.00

Payment of civil penalties and costs associated with the settlement of OGC File 07-1186

The attached check represents the amount due you as shown on our records.
 For additional information, contact (305) 665-7471

Check Number	Date	Total Gross Amount	Total Insp Gen Fee	Total User Access Fee	Total Discount	Total Paid Amount
00358317	10/31/2007	\$7,500.00	\$0.00	\$0.00	\$0.00	\$7,500.00

THIS CHECK HAS A VOID PANTOGRAPH ON THE FACE AND A SECURITY WATERMARK ON THE BACK - HOLD AT AN ANGLE TO VIEW.

Miami-Dade County, Florida 00358317
 MIAMI-DADE WATER AND SEWER DEPARTMENT
 POOLED CASH ACCOUNT 63-643/670
 VOID AFTER SIX MONTHS
 Date 10/31/2007 WACHOVIA BANK, NA
 MIAMI, FL 33131

Pay Exactly ****SEVEN THOUSAND FIVE HUNDRED AND XX/100 DOLLAR**** Pay Amount \$7,500.00***

To The Order Of STATE OF FLORIDA
 DEPT OF ENVIRONMENTAL PROTECTION
 400 NORTH CONGRESS AVE
 SUITE 200
 WEST PALM BEACH, FL 33401

Memo: OGC File 07-1186 "Ecosystems Management and Restoration Trust Fund"