

Memorandum



Date: February 17, 2009

Agenda Item No. 12(B)1

To: Honorable Chairman Dennis C. Moss and
Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Report on 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 (Board) approved Resolution R-874-06 authorizing the County Manager or his designee to negotiate and settle enforcement action 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 submitted to the Board on April 22, 2008, the Miami-Dade Water and Sewer Department (WASD) has entered into three settlements with the Florida Department of Environmental Protection (FDEP), requiring the payment of \$22,250 in penalties and fees. Copies of the fully executed and filed consent order agreements are attached.

In first settlement, Consent Order File Number OGC 08-0047 (Exhibit A), WASD agreed to pay civil penalties of \$9,500 plus \$500 for FDEP costs. This settlement was for six unauthorized discharges of sewage residuals occurring on May 10, May 18, July 30, August 24, October 21, and November 9, 2007 at the Central District Wastewater Treatment Plant located on Virginia Key. These discharges were the result of different causes including equipment malfunction, clogged piping and tank surcharging.

In the second settlement, Consent Order File Number OGC 08-0050 (Exhibit B), WASD agreed to pay civil penalties of \$9,500 plus \$500 for FDEP costs. This settlement is for the discharge of approximately 4 million gallons of untreated wastewater caused by corrosion on a 24-inch diameter sewer force main near NW 1 Street and 107 Avenue on November 12, 2007.

In the third settlement, Consent Order File Number OGC 08-0720 (Exhibit C), WASD agreed to pay civil penalties of \$2,000 plus \$250 for FDEP costs. This settlement is for exceeding the limits of visible exhaust emissions from two standby generator engines at the Central District Wastewater Treatment Plant on February 8, 2008.

WASD will continue to keep the Board apprised of any other settlements of enforcement actions in the amount of \$10,000 or less brought against Miami-Dade County resulting from the operation of the County's water and sewer system.


Assistant County Manager

/



EXHIBIT A

Florida Department of Environmental Protection

Southeast District
400 N. Congress Ave., Suite 200
West Palm Beach, FL 33401

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

MAR 12 2008

Mr. John W. Renfrow, P.E.
Miami-Dade Water & Sewer Department (MDWASD)
P.O. Box 330316
Miami, FL 33233-0316

DW – Miami-Dade County, FL
Permit # FL0024805

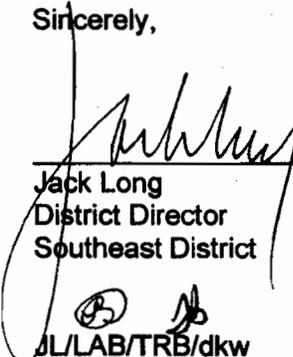
RE: Case #OGC 08-0047, DEP vs. Miami-Dade Water and Sewer Department (MDWASD)

Dear Mr. Renfrow:

Enclosed for your implementation is the fully executed and filed Consent Order in the above styled case. Please familiarize yourself with the compliance dates and terms of the Consent Order so the complete and timely performance of those obligations is accomplished.

Thank you for your cooperation in this matter. If you have any questions concerning this Consent Order, please do not hesitate to contact **Denise K. Watts** of this office at (561) 681-6701.

Sincerely,



Jack Long
District Director
Southeast District

3-11-08
Date

JL/LAB/TRB/dkw

Attachments: SFCO OGC 08-0047
Warning Letter 07-0125DW13SED

Enclosures (all)

cc: Mike Tanski, FDEP/TAL
David O'Brien, FDEP/TAL
Linda Brien, FDEP/SED
Tim Powell, FDEP/SED
Agustin Socarras, DERM
Vincente E. Arrebola, P.E., MDWASD
Richard M. O'Rourke, MDWASD
Thomas C. Maxwell, MDWASD
Maurice Barker, DEP/TAL
Lisa M. Self, DEP/WPB
Bridjette Bucell, DEP/WPB

Mike.Tanski@dep.state.fl.us
David.O'Brien@dep.state.fl.us
Linda.Brien@dep.state.fl.us
Tim.Powell@dep.state.fl.us
SocarA@miamidade.gov
arrevb@miamidade.gov
ROROU1@miamidade.gov
tmaxw@miamidade.gov
Maurice.Barker@dep.state.fl.us
Lisa.M.Self@dep.state.fl.us
Bridjette.Bucell@dep.state.fl.us



Todd Brown

RECEIVED

FEB 22 2008

DEPT of ENV PROTECTION
WEST PALM BEACH

Water & Sewer
P. O. Box 330316 • 3071 SW 38th Avenue
Miami, Florida 33233-0316
T 305-665-7471

miamidade.gov

Carlos Alvarez, Mayor

- 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**

February 19, 2008

Certified Mail: 7001 0360 0001 6783 5498

Return Receipt

Electronic transmittal via internet

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: Proposed Settlement of DEP vs. Miami-Dade Water and Sewer Department (MDWASD), OGC File Number 08-0047

Dear Mr. Long:

The MDWASD acknowledges receipt of the revised subject consent order and the consideration given by you and your staff of the facts surrounding this event to resolve this matter. The signed original of the offer is enclosed, with the acknowledgement that the acceptance of this offer and that the payment of these civil penalties does not constitute and admission of liability.

MDWASD will ensure that the payment of the civil penalties and the FDEP costs associated with this order will be sent separately to be received by the FDEP within 30 days of the countersigning and filing of this offer.

Please feel free to call me at (786) 552-8086 or Mr. Vicente Arrebola at (786) 552-8116, if you have any questions.

Sincerely,


John W. Renfrow, P.E.
Director

JWR/JAR/VEA/BMG/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 Brien, FDEP/SED Linda.Brien@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

Enclosure: Signed Original, OGC File Number 08-0047

Delivering Excellence Every Day

L08029FDEP-SSO-Settlement



Florida Department of Environmental Protection

Southeast District
400 N. Congress Ave., Suite 200
West Palm Beach, FL 33401

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

FEB 04 2008

RETURN RECEIPT REQUESTED

RECEIVED
FEB 22 2008
DEPT of ENV PROTECTION
WEST PALM BEACH

Mr. Vincente E. Arrebola, P.E., Assistant Director
Miami-Dade Water & Sewer Department (MDWASD)
P.O. Box 330316
Miami, FL 33233-0316
arrebv@miamidade.gov

Miami-Dade County, Florida
MDWASD Central District WWTF
Permit #FL0024805

SUBJECT: Proposed Settlement of DEP vs. Miami-Dade Water & Sewer Department
File No.: OGC 08-0047

Dear Mr. Arrebola:

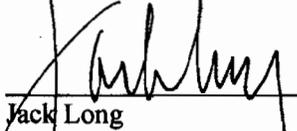
The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated December 13, 2007, a copy of which is attached. All corrective actions required to bring your facility into compliance have been completed. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, you are assessed Civil Penalties in the amount of \$9,500.00 along with \$500.00 to reimburse the Department costs, for a total of \$10,000.00.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. The 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 with the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Southeast District, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401 within 30 days of your signing 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 Southeast District address within 15 days of receipt, 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 is determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,

 2/4/08

Date

Jack Long
District Director
Southeast Florida District
JL/LAB/TRB/dkw

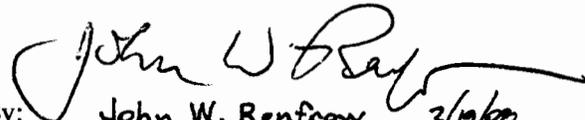
Attachments: Warning Letter: WL 07-0125DW13SED
Enclosure (all)

- cc: Carlos L. Hernandez, P.E., Chief Plan Review Services Division – DERM hernac@miamidade.gov
- Agustin Socarras, P.E. – DERM SocarA@miamidade.gov
- Richard M. O'Rourke -- MDWASD ROROU01@miamidade.gov
- Thomas C. Maxwell, Assistant Plant Superintendent – MDWASD tmaxw@miamidade.gov
- Tim Powell – DEP/WPB Tim.Powell@dep.state.fl.us
- Maurice Barker - DEP/TAL Maurice.Barker@dep.state.fl.us
- Lisa Self - DEP/WPB Lisa.M.Self@dep.state.fl.us
- Bridjette Bucell – DEP/WPB Bridjette.Bucell@dep.state.fl.us

John W. Renfrow
I, ~~Vincente E. Arreola~~, on behalf of Miami-Dade Water & Sewer Department HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

FOR THE RESPONDENT:

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

By: 

Mr. ~~Vincente E. Arreola~~, P.E. 2/19/08
Date
~~Assistant~~ Director
Miami-Dade Water & Sewer Department
P.O. Box 330316
Miami, FL 33233-0316

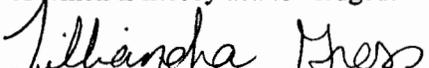
 3/11/08

Date
Jack Long
District Director
Southeast District

DONE AND ORDERED this 12 day of March, 2008, in West Palm Beach, Florida

FILING AND ACKNOWLEDGMENT

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

 3/12/08

Date
Clerk

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.

Entered in WAFK 12/14/07 - Response Due 12/28/07



Florida Department of Environmental Protection

Southeast District
400 N. Congress Ave., Suite 200
West Palm Beach, FL 33401

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

DEC 13 2007

RETURN RECEIPT REQUESTED

WARNING LETTER
WL07-0125DW13SED

Mr. Vincente E. Arrebola, P.E., Assistant Director
Miami-Dade Water & Sewer Department (MDWASD)
P.O. Box 330316
Miami, FL 33233-0316
arrebv@miamidade.gov

Miami-Dade County, Florida
Permit # FL0024805

SUBJECT: Unauthorized Discharge of digester sludge at the MDWASD Central District Wastewater Treatment Plant.

Dear Mr. Arrebola:

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. As you are aware, there have been six incidents of unauthorized wastewater discharges regarding digester sludge within the facility located at 3989 Rickenbacker Causeway:

<u>Incident</u>	<u>Date& Time</u>	<u>Location of Discharge</u>	<u>Amount</u>
#1	11/09/2007 5:00 a.m.	3989 Rickenbacker Causeway	200,000 gallons
#2	10/21/2007 5:33 a.m.	3989 Rickenbacker Causeway	15,000 gallons
#3	8/24/07 3:10 p.m.	3989 Rickenbacker Causeway	200 gallons
#4	7/30/07 5:00 p.m.	3989 Rickenbacker Causeway	1,000 gallons
#5	5/18/07 11:00 p.m.	3989 Rickenbacker Causeway	500 gallons
#6	5/10/07 7:00 a.m.	3989 Rickenbacker Causeway	1,000 gallons

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.

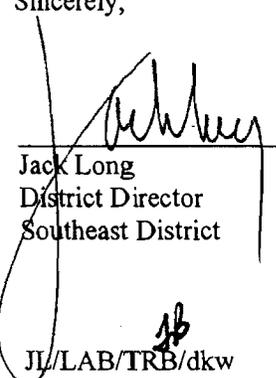
Furthermore, Chapters 373 and 403, Florida Statutes (F.S.), provide that it is a violation to fail to obtain any permit or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the Department pursuant to its lawful authority. Any activities at your facility that may be contributing to violations of the above-described statutes or rules should be ceased.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to \$10,000.00 per violation per day, pursuant to Sections 403.141 and 403.161, Florida Statutes.

You are requested to contact **Denise K. Watts at (561) 681-6701** within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Jack Long
District Director
Southeast District

12-12-07

Date

JL/LAB/TRB/dkw

cc: Carlos L. Hernandez, P.E., Chief Plan Review Services Division – DERM
Agustin Socarras, P.E. – DERM
Richard M. O'Rourke – MDWASD
Thomas C. Maxwell, Assistant Plant Superintendent – MDWASD
Tim Powell – DEP/WPB
Maurice Barker - DEP/TAL
Lisa Self - DEP/WPB
Bridjette Bucell – DEP/WPB

hernac@miamidade.gov
SocarA@miamidade.gov
ROROU01@miamidade.gov
tmaxw@miamidade.gov
Tim.Powell@dep.state.fl.us
Maurice.Barker@dep.state.fl.us
Lisa.M.Self@dep.state.fl.us
Bridjette.Bucell@dep.state.fl.us

EXHIBIT B

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

APR 30 2008

RETURN RECEIPT REQUESTED

Mr. John W. Renfrow, P.E., Director
Miami-Dade Water & Sewer Department (MDWASD)
P.O. Box 330316
Miami, FL 33233-0316
renfrj@miamidade.gov

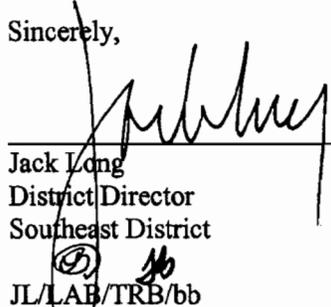
Re: DEP vs. Miami-Dade Water & Sewer Department (MDWASD)
OGC File No.: 08-0050

Dear Mr. Renfrow:

Enclosed for your implementation is the fully executed and filed Consent Order in the above-styled case. Please familiarize yourself with the compliance dates and terms of the Consent Order so that the complete and timely performance of those obligations is accomplished.

Thank you for your cooperation in this matter. If you have any questions concerning the Consent Order, please contact Bridjette Bucell of this office at (561) 681-6737.

Sincerely,



Jack Long
District Director
Southeast District
JL/LAB/TRB/bb

4/29/08
Date

Enclosure (all)

cc: Tim Powell, FDEP/SED
Mike Tanski, FDEP/Tallahassee
David O'Brien, FDEP/Tallahassee
Mary Wilson, FDEP/OGC
Richard O'Rourke, MDWASD
Augustin Socarras, DERM

Tim.Powell@dep.state.fl.us
Mike.Tanski@dep.state.fl.us
David.O'Brien@dep.state.fl.us
Marv.Wilson@dep.state.fl.us
RORou01@miamidade.gov
SocarA@miamidade.gov



Florida Department of Environmental Protection

Southeast District
400 N. Congress Ave., Suite 200
West Palm Beach, FL

Joe K.
Vince A.
Doug Y.
Bertha G.
Charlie Crist Governor
Jeff Kottkamp Lt. Governor
Michael W. Sole Secretary

MAR 26 2008

RECEIVED

APR 14 2008

RETURN RECEIPT REQUESTED

DEPT of ENV PROTECTION
WEST PALM BEACH

Mr. John W. Renfrow, P.E., Director
Miami-Dade Water & Sewer Department (MDWASD)
P.O. Box 330316
Miami, FL 33233-0316
renfrj@miamidade.gov

Miami-Dade County, Florida

SUBJECT: Proposed Settlement of DEP vs. Miami-Dade Water & Sewer Department
OGC File No.: 08-0050

2008 MAR 28 AM 8:30
RECEIVED
MIAMI DADE WATER AND SEWER DEPT DIRECTOR'S OFFICE

Dear Mr. Renfrow:

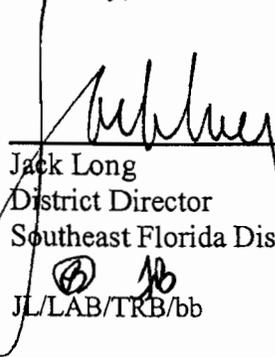
The purpose of this letter is to complete the resolution regarding the unauthorized discharge of 4,169,210 million gallons of untreated wastewater due to corrosion of the crown of a 24 inch force main. The discharge was reported to be at or near NW 1st street and 107th avenue which occurred on November 12, 2007 and which was discussed in a meeting with Department staff on January 4, 2008. All corrective actions required to bring your facility into compliance have been completed. The Department finds that you are in violation of Rule 62-604.130(1), Florida Administrative Code (F.A.C.), and Florida Statutes 403.161(1), which state, under prohibitions, provides that the following acts and the causing thereof are prohibited: (1) The release or disposal of excreta, sewage, or other wastewater or residuals without providing proper treatment approved by the Department or otherwise violating provisions of the rule or other rules of the Florida Administrative Code, and it shall be prohibited for any reason: (a) To cause pollution, except as otherwise provided in this chapter, so as to harm or injure human health or welfare, animal, plant, or aquatic life or property; (b) To fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the Department pursuant to its lawful authority. In order to resolve the matter identified in the referenced teleconference with Department staff, you are assessed civil penalties in the amount of \$9,500.00 along with \$500.00 to reimburse the Department costs, for a total of \$10,000.00.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. The 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 with the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Southeast District, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401 within 30 days of your signing 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 Southeast District address within 15 days of receipt, 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 is determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,

 3-18-08
Date

Jack Long
District Director
Southeast Florida District
② JB
JL/LAB/TRB/bb

cc: Carlos L. Hernandez, P.E., Chief Plan Review Division – DERM
Agustin Socarras, P.E. – DERM
Richard M. O'Rourke -- MDWASD
Thomas C. Maxwell, Assistant Plant Superintendent – MDWASD
Tim Powell – DEP/WPB
Maurice Barker - DEP/TAL
Lisa Self - DEP/WPB

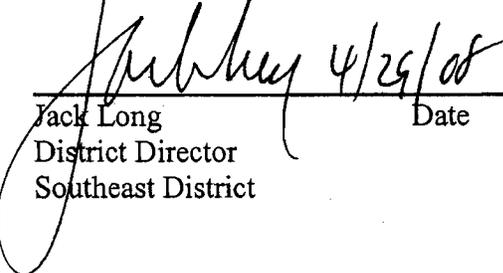
hernac@miamidade.gov
SocarA@miamidade.gov
ROROU01@miamidade.gov
tmaxw@miamidade.gov
Tim.Powell@dep.state.fl.us
Maurice.Barker@dep.state.fl.us
Lisa.M.Self@dep.state.fl.us

I, Mr. John W. Renfrow, P.E., Director, on behalf of Miami-Dade Water & Sewer Department hereby accept the terms of the settlement offer identified above.

FOR THE RESPONDENT:

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

By:  4/10/08
Mr. John W. Renfrow, P.E. Date
Director
Miami-Dade Water & Sewer Department
P.O. Box 330316
Miami, FL 33233-0316

 4/29/08
Jack Long Date
District Director
Southeast District

DONE AND ORDERED this 30th day of April, 2008, in West Palm Beach, Florida

FILING AND ACKNOWLEDGMENT

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

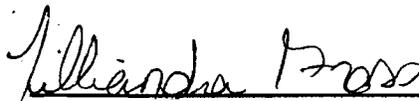
 4/30/08
Clerk Date



EXHIBIT C

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

MAY 28 2008

DHL # 27494237551

Miami-Dade Central District Water Treatment Plant
AV – Miami-Dade County

Mr. John Renfrow
Miami-Dade Water & Sewer Department
3701 SW 38th Ave.
Miami, FL 33233

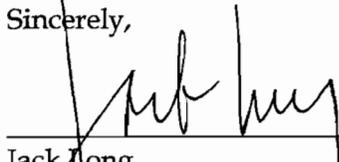
SUBJECT: Settlement by Short Form Consent Order in the Case of State of Florida
Department of Environmental Protection vs. Miami-Dade Central District
Wastewater Treatment Plant
Plant ID No. 0250476
OGC File No. 08-0720

Dear Mr. Renfrow:

Enclosed for your implementation is a copy of the fully executed and filed Consent Order in the above-styled case. Please ensure that the compliance dates and terms of the Consent Order are accomplished in a timely manner.

If you have any questions concerning the terms of the Consent Order, please contact Allen Rainey at 561-681-6623. Your cooperation is appreciated.

Sincerely,

 5/23/08

Jack Long
District Director
Florida Department of Environmental Protection
Southeast District

JL/KC/LH/ar

Enclosure: Executed April 30, 2008, Consent Order, OGC File No. 08-0720

- cc: Air Enforcement Files, DEP, West Palm Beach
- Dianne Spingler, DARM, DEP, Tallahassee (Dianne.Spingler@dep.state.fl.us)
- Sheila Schneider, DARM, DEP, Tallahassee (Sheila.Schneider@dep.state.fl.us)
- Air Program Archboard
- India Nicholson, OGC, DEP, Tallahassee (India.Nicholson@dep.state.fl.us)

JL
VA
BY
DG

RECEIVED

MIAMI DADE WATER AND SEWER DEPT DIRECTOR'S OFFICE

MIAMI DADE WATER AND SEWER DEPT DIRECTOR'S OFFICE

MAY 05 2008

2008 MAY 2 10:00

2008 APR 32 AM 8: 22



THE ASSISTANT DIRECTOR COMPLIANCE & PLANNING Water & Sewer Department

Department of Environmental Protection

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

RECEIVED RECEIVED

MAY 22 2008

DEPT of ENV PROTECTION WEST PALM BEACH

Charlie Crist Governor

Jeff Kottkamp Lt. Governor

Michael W. Sole Secretary

APR 30 2008

DHL # 27081133752

Miami-Dade Central Waste Water Treatment Plant AV - Miami-Dade County

Mr. John Renfrow
Miami-Dade Water & Sewer Department
3701 SW 38th Ave.
Miami, FL 33233

SUBJECT: Proposed Settlement by Short Form Consent Order in the Case of State of Florida Department of Environmental Protection vs. Miami-Dade Central District Wastewater Treatment Plant
Plant ID No.: 0250476
OGC File No.: 08-0720

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 WL08-0002AV13SED dated February 22, 2008, 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 matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$2,000, along with \$250.00 to reimburse the Department costs, for a total of \$2,250.00.

The civil penalties are apportioned as follows:

\$2,000.00 for violation of Permit 0250476-007-AV, Specific Condition B.2

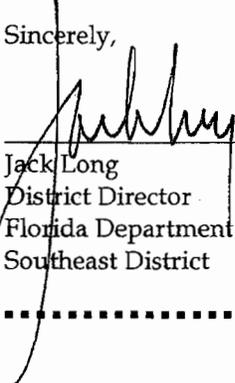
The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Florida Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Florida Department of Environmental Protection, Southeast District, 400 N. Congress Avenue, Suite 200, West Palm Beach, FL 33401, within thirty (30) days of your signing 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 Sections 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address within twenty (20) days of receiving it, 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,

 4-29-08

Jack Long
District Director
Florida Department of Environmental Protection
Southeast District

.....
FOR THE RESPONDENT

I, John Renfrow, on behalf of Miami-Dade Central District Waster Treatment Plant, HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

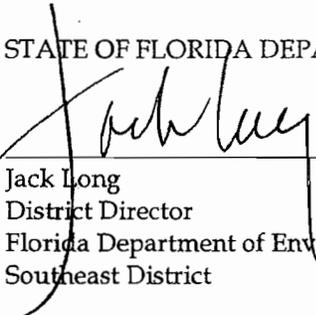
By  Date: 5-19-08

John Renfrow

.....
FOR DEPARTMENT USE ONLY

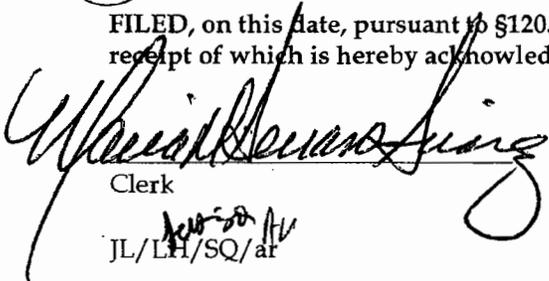
DONE AND ENTERED this 23 day of May, 2008.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

 5/23/08

Jack Long
District Director
Florida Department of Environmental Protection
Southeast District

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

 05/28/08

Clerk Date
JL/LH/SQ/ar

Attachments: February 22, 2008 Warning Letter WL08-0002AV13SED
Notice of Rights

cc: Air Enforcement Files, DEP, West Palm Beach
Cindy Phillips, DARM, DEP, Tallahassee (Cindy.Phillips@dep.state.fl.us)
Air Program Archboard

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 Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes; (c) A statement of how and when each petitioner received notice of the Consent Order; (d) A statement of how each petitioner's substantial interests are affected by the Consent Order; (e) A statement of the material facts disputed by petitioner. If there are none, the petition must so indicate; (f) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (g) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; and (h) 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.



FEB 22 2008

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

FILE

DHL # 26019205656

WARNING LETTER
WL08-0002AV13SED
AV - Miami-Dade County

Mr. Vicente Arrebola, P.E.
Assistant Director, Wastewater
Miami-Dade County Water & Sewer
3071 SW 38th Avenue
Miami, FL 33233--3116

Subject: Exceedance of Visible Emissions Limit
Miami-Dade County Central District Wastewater Treatment Plant
Facility ID No. 0250476

Dear Mr. Arrebola:

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. Visible emissions tests conducted on February 8, 2008 indicate that a violation of Florida Statutes and Rules may have occurred at the facility. The test showed that visible emissions from 2.5 megawatt emergency generators 1 and 2 exceeded the permitted limit of 20 percent opacity.

Section 403.161 (1)(b), Florida Statutes, provides that it is a violation to fail to comply with any rule, regulation, order, permit or certification adopted or issued by the Department pursuant to its lawful authority. The specific violation which may have occurred is as follows:

- Permit 0250476-007-AV, Specific Condition B.2 - Visible emissions shall be less than 20 percent opacity.

The above-described activities observed during the Department's visible emissions tests, and any other activities at your facility that may be contributing to violations of the above-described permit condition, should be corrected immediately. Continued

Mr. Vicente Arrebola

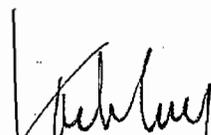
Page 2 of 2

activity in violation of state statutes or rules may result in liability for damages and restoration.

The operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the administrative imposition of penalties up to \$10,000.00 pursuant to Section 403.121, Florida Statutes, or the judicial imposition of civil penalties up to \$10,000.00 per violation per day pursuant to Sections 403.141 and 403.161, Florida Statutes. You are requested to contact Allen Rainey of this office at 561-681-6623 within fifteen days of receipt of this Warning Letter to arrange a meeting with Department personnel to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel may help resolve this matter.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,

 2/21/08

Jack Long
District Director
Florida Department of Environmental Protection
Southeast District


JL/LH/SQ/ar

cc: Dianne Spingler, DARM, DEP, Tallahassee (Dianne.Spingler@dep.state.fl.us)
Air Enforcement Files, DEP, West Palm Beach
Air Program Archboard