Memorandum

MIAMI-DADE COUNTY

Date: March 2, 2010

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

Agenda Item No. 8(R)(1)(A)

From: George M. Burgess
County Manager

Subject: Resolution Authorizing Execution of an Amended Consent Order, OGC File No. 03-1376(A), with the State of Florida Department of Environmental Protection

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RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution authorizing execution of an Amended Consent Order, OGC File No. 03-1376(A) with the State of Florida Department of Environmental Protection (FDEP) relating to the treatment and disposal of wastewater at the South District Wastewater Treatment Plant. This amendment will allow additional time to construct the High Level Disinfection (HLD) Treatment Facility and includes various compliance dates and stipulated penalties.

SCOPE OF AGENDA ITEM

This item will have a countywide impact as the County's sewage collection system is interconnected to serve the entire County.

FISCAL IMPACT/FUNDING SOURCE

This item does not have a fiscal impact to the County.

TRACK RECORD/MONITOR

The Deputy Director of Regulatory Compliance and Capital Improvements will monitor compliance with this amended consent order.

BACKGROUND

Miami-Dade Water and Sewer Department (WASD) operates the South District Wastewater Treatment Plant. Treated wastewater effluent form the plant is disposed of via underground injection wells into the lower Floridan aquifer at a depth of 2,400 feet.

On July 22, 2003, the Board approved an FDEP consent order, OGC File No. 03-1376(A) that required the County to upgrade the treatment processes at the plant to meet the HLD criteria prior to effluent disposal. On the effective date of the consent order, April 29, 2004, the County was required to begin procurement, permitting, designing and to secure funding for the HLD treatment upgrade. These upgrades were to be completed within five years, by December 2009.

WASD completed the design of the HLD upgrades in early 2007 and FDEP issued a construction permit for the facilities in March 2007. Approximately six months later, WASD met with FDEP to address the construction deadlines contained in the consent order. FDEP requested that the County obtain an independent opinion regarding the feasibility of constructing the facilities by December 2009. WASD obtained an independent opinion regarding the feasibility of completing the construction by the deadline, and on May 22, 2008, requested an extension of the FDEP construction deadline. FDEP agreed to amend the existing consent order and to extend the construction deadline to April 1, 2014, with intermediate deadlines in

2009 and 2011 for interim improvements. The attached Amended Consent Order includes the schedule changes and penalties ranging from $1,000 per day to $10,000 per day for failure to comply with the deadlines contained in the Consent Order.

This HLD upgrade construction program is the largest single program ever undertaken by WASD. The upgrade consists of a series of more than fifteen projects, four of which have already been successfully completed. Of the four, three were completed ahead of schedule and under budget and the fourth was completed on time and under budget.

Approval of this amendment will avoid enforcement action by FDEP and will place the HLD upgrade project on an achievable completion schedule.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: March 2, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 8(R)(1)(A)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(R)(1)(A)
3-2-10

RESOLUTION NO. _____

RESOLUTION APPROVING AMENDED CONSENT ORDER, OGC FILE NO. 03-1376(A), WITH THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO EXTEND THE CONSTRUCTION DEADLINE OF THE HIGH LEVEL DISINFECTION FACILITY AT THE COUNTY'S SOUTH DISTRICT WASTEWATER TREATMENT PLANT FROM DECEMBER 28, 2009 TO APRIL 1, 2014; INCLUDE COMPLIANCE DATES AND STIPULATED PENALTIES; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves Amended Consent Order, OGC File No. 03-1376(A) with the State of Florida Department of Environmental Protection to extend the construction deadline of the High Level Disinfection Facility at the County's South District Wastewater Treatment Plant from December 28, 2009 to April 1, 2014, include compliance dates and stipulated penalties; in substantially the form attached hereto and made a part hereof; and authorizes the County Mayor or Mayor's designee to execute same and to exercise the provisions contained therein.

The foregoing resolution was offered by Commissioner ,
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro
Carlos A. Gimenez
Barbara J. Jordan
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Audrey M. Edmonson
Sally A. Heyman
Joe A. Martinez
Natacha Seijas
Rebeca Sosa

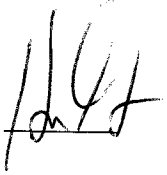
The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of March, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Henry N. Gillman

Jack Long, Director
Southeast District Office

Florida Department of Environmental Protection

Southeast District Office
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33401
(561) 681-6600

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

FEB 11 2010

CERTIFIED MAIL 7009 0960 0000 3123 9540

Mr. John W. Renfrow, Utilities Director
Miami-Dade Water and Sewer Department
3071 Southeast 8th Avenue
Coral Gables, FL 33146

Miami-Dade County, Florida
Facility ID No. FLA042137

Re: Florida Department of Environmental Protection vs. Miami-Dade County, Consent Order Number OGC 03-1376(A)

Dear Mr. Renfrow:

Enclosed for your review and signature is the Consent Order drafted by the Department in the above styled case. The Department of Environmental Protection acknowledges comments recently submitted by the Miami-Dade Water and Sewer Department and have incorporated the acceptable revisions in the proposed agreement (attached). The Consent Order represents a final resolution acceptable to the Department in this matter.

Please review, sign, and return the original Consent Order to this office within 30 days of receipt for Department signature and execution. If you do not sign and return this letter to the Department within 30 days of receipt, then the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly.

Should you have any questions concerning the Consent Order, please contact **Fred Rapach** of this office at (561) 681-6748.

Sincerely,

02/11/10

for Jack Long
District Director
Southeast District
Date

JL/LAB/MH/fr

enc. Consent Order No. 03-1376(A)

Copies furnished to:

Lea Crandall, Agency Clerk	Lea.Crandall@dep.state.fl.us
Diana Thruman, DEP/TLH	Diana.Thurman@dep.state.fl.us
Kirk White, DEP/TLH	Kirk.White@dep.state.fl.us
Linda Brian, DEP/SED	Linda.Brian@dep.state.fl.us
Michael Hambor - DEP/SED	Michael.Hambor@dep.state.fl.us
Joe May, DEP/SED	Joe.May@dep.state.fl.us
Tim Powell, DEP/SED	Tim.Powell@dep.state.fl.us
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Lisa Self - DEP/SED	Lisa. Self@dep.state.fl.us
Fred Rapach - DEP/SED	Fred.Rapach@dep.state.fl.us

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION,

Complainant,

vs.

MIAMI-DADE COUNTY,

Respondent.
_____/

IN THE OFFICE OF THE SOUTHEAST DISTRICT

OGC FILE NO.: 03-1376(A)

AMENDED CONSENT ORDER

This Amended Consent Order ("Amended Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and Miami-Dade County ("Respondent" or "County") to reach settlement of certain matters at issue between the Department and the County.

The Department finds, and the County neither admits nor denies, the following:

1. The Department is the administrative agency of the State of Florida having the authority and duty to control and prohibit pollution of air and water in accordance with Chapter 403, Florida Statutes (F.S.), and rules promulgated thereunder. The Department has jurisdiction over the matters addressed in this Amended Order.

2. The County is a political subdivision of the State of Florida and is a person within the meaning of Section 403.031(5), F.S.

3. On April 29, 2004, the County and the Department entered into Consent Order No. 03-1376 ("Original Order") to address various issues, including but not limited to the finding of fluid movement associated with the Underground Injection Control (UIC) Class I injection

wells at the County's Facility[1]. In particular, the Original Order required the County to upgrade the Facility's effluent treatment process and thereby meet high level disinfection (HLD) criteria in accordance with Rule 62-600.440(5) Florida Administrative Code (F.A.C.)[2]

4. The Original Order allowed the County to achieve HLD rule compliance by implementing either High Rate Disinfection (HRD) or Ultraviolet Disinfection (UV) (collectively referred to as "equivalency proposals") only if the Department concurred either was equivalent to HLD for pathogen reduction.

5. If the Department determined that neither HRD nor UV was equivalent to HLD for pathogen reduction, the County was then obligated pursuant to paragraph 30 of the Original Order to complete construction and initiate operation of a Facility meeting the Department's HLD requirements contained in Rule 62-600.440(5), F.A.C., in their entirety within 5 years of effective date of the Original Order.

6. After the Department notified the County that its equivalency proposals to HLD for pathogen reduction was not approved, the County indicated that it would not be able to meet the December 28, 2009 Department deadline[3] for the Facility and requested a deadline extension.

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[1] The County, through the Miami-Dade Water and Sewer Department ("MDWASD"), is responsible for the operation and maintenance of the South District Wastewater Treatment Facility ("WWTF" or "Facility") which is located at 8950 Southwest 232nd Street, at Miami-Dade County, Florida. The Facility is a pure oxygen activated sludge municipal sewage treatment plant, including associated wastewater collection systems with disposal via a system of multiple UIC Class I wells, referred to in this Amended Order as injection well(s), IW or IWs and the applicable well number(s).

[2] The Department has reviewed the ground water monitoring data collected since 1994 related to the Facility. Data reviewed are from the monitoring well system in the Floridan aquifer system and the Biscayne aquifer system, and data collected by the US EPA. Moreover, the Department has reviewed additional information that reasonably demonstrates that there is no conduit that would allow for the direct communication of waters from the Floridan Aquifer system through the Hawthorn Group to the Biscayne Aquifer system.

[3] Pursuant to Paragraph 30 of the Original Order, the County was required to complete construction and initiate operation of the Facility 5 years from the effective date of the Original Order (on or before 4/29/09). The Department granted an 8 month extension (pursuant to paragraph 44 of the Original Order) to the final date making the date of compliance December 28, 2009.

7. Based upon engineering reports submitted by the County at the Department's request, the delays in meeting the Original Order's requirements were beyond the reasonable control of the County.

8. The Department issued a wastewater permit on March 28, 2007 for the County to construct and operate a filter system to meet HLD requirements for an average annual daily flow (AADF) of 112.5 million gallons per day (MGD) and a peak hourly flow of 285 MGD. [4]

9. In addition to the December 28, 2009, deadline under the Original Order, there are other specific compliance dates in Rule 62-528.440(2) (d), F.A.C.[5], which the County must meet. More specifically, the County as owner of the UIC Class I municipal well that received its construction permit on or before December 22, 2005, must, within five years from notification from the Department that the injection activity has caused or may cause fluid movement containing a contaminant into an underground source of drinking water, come into compliance with the EPA requirements contained in 40 CFR 146.15, as adopted in Rule 62-528.440, F.A.C. The Department notified the County on January 6, 2006, that such fluid movement had or may be occurring. As such, and excluding consideration of the Original Order, the County has until January 6, 2011, to meet the aforementioned Rule deadlines. The County has also indicated it will not be able to meet the aforementioned EPA and Department rule deadlines.

10. In addition to addressing the County's compliance with fluid migration regulations associated with its UIC Class I injection wells, this Amended Order addresses the County's expected non-compliance with the EPA deadline as adopted in Rule 62-528.440, F.A.C.

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[4] The original consent order included a peaking factor of 2.0, equivalent to a peak hourly flow of 225 mgd.

[5] Rule 62-528.440(2) (d) F.A.C adopts the United States Environmental Protection Agency's (EPA) "Revisions to the Federal Underground Injection Control Requirements for Class I Municipal Disposal Wells in Florida" at 40 CFR 146.15 (2005).

11. This Amended Order supersedes and replaces the Original Order.

12. Having reached resolution of the matter, the Department and the County mutually agree and it is,

ORDERED:

13. The County shall implement pathogen reduction via chlorination and solids minimization according to the following schedule:

a. On or before December 28, 2009, the County shall provide twenty-four hour and seven days/week continuous chlorination and chlorine residual monitoring for all effluent, up to a 285 MGD peak hourly flow, prior to discharge to the UIC wells system. Daily grab samples for fecal coliform bacteria and chlorine residual shall be collected, analyzed and reported in accordance with the provisions of paragraph 16. Beginning on December 28, 2009, and lasting until April 1, 2014 the effluent shall meet the fecal coliform and chlorine residual limits for basic disinfection in Rule 62-600.440(4) (c) F.A.C., as specified in the Table in paragraph 16 of this Amended Order.

b. On or before December 28, 2009, the County shall provide solids minimization by the installation of ultrasonic sludge blanket detectors to be tracked by an electronic control system on each of the existing secondary clarifiers. Within sixty days of the effective date of this Amended Order the County shall submit to the Department and thereafter implement a standard operating procedure (plan) to manage the sludge

blanket levels to minimize solids discharge from the secondary clarifiers. The plan shall include but not be limited to optimizing the concentration of the digester feed sludge to minimize solids.

c. On or before December 28, 2010, the County shall implement a chlorine feed system that monitors flow and total residual chlorine to optimize chlorine dosage of the disinfection system at the Facility.

14. On or before November 1, 2011, the County shall complete construction of 12 filters to meet Department's HLD design requirements contained in Rule 62-600.440(5). F.A.C. The County shall conduct operational testing of the filters at various flow rates for a period of no more than 12 months to verify their ability to meet HLD requirements, and submit a report on the operational testing results by no later than January 30, 2013. Upon completion of the operational testing period, the County shall maximize the use of the filters to provide enhanced disinfection of its effluent.

15. On or before April 1, 2014, the County shall complete construction and operational testing of a HLD facility and shall meet the Department's HLD requirements contained in Rule 62-600-440(5), F.A.C., in their entirety.

16. Upon the effective date of this Amended Order and continuing until April 1, 2014, the County shall comply with the following interim effluent disinfection limitations and monitoring requirements as follows:

Parameter	Limit	Sample Type	Sample Frequency	Sample Location
Nitrogen, total as N	Report Only	24-hour flow-proportioned composite	Monthly	Existing Effluent pump station
Nitrate, total as N	Report Only	24-hour flow-proportioned composite	Monthly	Existing Effluent pump station

Nitrite, total as N	Report Only	24-hour flow-proportioned composite	Monthly	Existing Effluent pump station
Nitrate plus nitrite, total as N	Report Only	24-hour flow-proportioned composite	Monthly	Existing Effluent pump station
Fecal Coliform, Monthly Geometric Mean	≤ 200 CFU/100 ml	Grab	Daily	Existing Effluent pump station
Fecal Coliform, Annual Arithmetic Mean	≤ 200 CFU/100 ml	Grab	Daily	Existing Effluent pump station
Fecal Coliform, Daily Maximum	≤800 CFU/100 ml	Grab	Daily	Existing Effluent pump station
Fecal Coliform, number of samples during a month exceeding 400 CFU per 100 ml	≤10%	Grab	Daily	Existing Effluent pump station
Chlorine Residual, Minimum	≥0.5 mg/L	Meter	Continuous	Existing Effluent pump station
Turbidity, Maximum	Report Only	Meter	Continuous after startup of effluent filters	After Filters and before addition of disinfection

The effluent limitations for fecal coliform and chlorine residual shall become effective on December 28, 2009. Compliance with the fecal coliform and chlorine residual effluent limitations shall be determined in accordance with Rule 62-600.440(4) F.A.C. The County shall complete interim Discharge Monitoring Reports (DMR) forms (copy of form attached as Appendix A) and shall submit the interim DMR forms in conjunction with the monthly operating reports required under its wastewater facility permit.

17. The County shall, on a semi- annual basis, submit to the Department concise progress reports on the County's actions and efforts to comply with the requirements of this Amended Order, including a clear explanation of any impediments to progress and County's due

diligence to overcome them, until fulfillment of all the requirements of this Amended Order. The progress reports shall be due on July 30 (to cover January 1 – June 30) and January 30 (to cover July 1 – December 31). The progress report shall be submitted to the Water Facilities Administrator, Florida Department of Environmental Protection, Southeast District Office, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401.

18. The County agrees to pay the Department stipulated penalties for each and every day the County fails to comply with paragraphs 13 through 17 of this Amended Order. Stipulated penalties shall be assessed as follows: $5,000.00 per day for each failure to comply with the facility construction, operation requirements, and deadlines specified in paragraph 14; $10,000.00 per day for failure to comply with facility construction, operation requirements, and deadline specified in paragraph 15; $1,000.00 per day for each failure comply with the interim disinfection facilities construction, operation requirements, and deadlines specified in paragraph 13; $500.00 for each failure to comply with monitoring, effluent limitations, and reporting requirements specified in paragraphs 16 and 17. The County may provide evidence in mitigation of the penalties which shall be considered by the Department prior to assessing any penalties.

19. Within 30 days of written demand from the Department, the County shall make payment of the calculated stipulated penalty amount to the Department as agreed in paragraph 18 above. The Department may make demands for payment at any time after the violations occur. Payments shall be submitted to the Water Facilities Administrator, Florida Department of Environmental Protection, Southeast District Office, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Amended Order. Failure to make written

demand prior to filing suit does not forestall or vitiate the Department from seeking an amount equal to stipulated penalties calculated in accordance with this Amended Order. Any penalties assessed under paragraph 28 shall be in addition to the penalties agreed to in paragraph 18. If the Department is required to file a lawsuit to recover stipulated penalties, the Department will not be foreclosed from seeking civil penalties for violations of this Amended Order in an amount greater than the stipulated penalties due under this paragraph.

20. In the event a third-party successfully challenges the terms and conditions of this Amended Order and the third-party is awarded costs or reasonable attorney's fees as the prevailing party against the Department, the County agrees to pay fifty percent(50%) of the third party's final and non-appealable costs and reasonable attorney's fee.

21. The County shall fund an OPS or FTE Contract Engineer position at the rate of Fifty-Five Thousand Dollars ($55,000) per year to monitor the County's compliance with the terms of this Amended Order as well as the ongoing requirements contained in paragraph 63 of the Settlement Agreement System Wide, OGC Case No.: 93-076. The funding obligation shall continue until confirmation by the Department of the County's certification of compliance pursuant to paragraph 46 or final adjudication in favor of the County of full compliance with the terms of this Amended Order.

22. If any event, including administrative or judicial challenges by third parties unrelated to the County, occurs which causes delay or the reasonable likelihood of delay, in complying with the requirements of this Amended Order, County shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of the County and could not have been or cannot be overcome by County's due diligence. As used

herein, circumstances which may be considered as beyond the reasonable control may include but not be limited to: a) permit, easement and license delays; b) floods, fires, earthquakes, epidemics or other forces of nature; c) wars, blockades, riots, d) construction delays, such as bid protests, contractor defaults. Changed economic circumstances shall not be considered circumstances beyond the control of the County. Upon occurrence of an event causing delay, or upon becoming aware of such event, County shall, within seven calendar days, notify the Department's Southeast District Water Facilities Administrator orally of the delay. The County shall, within thirty calendar days of oral notification to the Department, notify the Department in writing of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay and the timetable by which County intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of County, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances, but shall not become effective unless and until acknowledged in writing by the Department.

23. In the event that there occurs any changes in the statutory or regulatory requirements pertaining to any matters covered by this Amended Order that provide alternative compliance options or interpretations that are different from the terms of this Amended Order, including but not limited to, any changes resulting from any judicial decision or administrative Final Order, the parties shall meet to negotiate any request by the County to modify or terminate this Amended Order. This Amended Consent Order shall remain in effect until and unless this Amended Order is modified or terminated.

24. The Department agrees to continue working with the County to obtain funding for the projects required by this Amended Order pursuant to the provisions of Sections 403.1835 and 403.1837, Florida Statues, subject to the County's compliance with those provisions and subject to funding limitations.

25. This Amended Order constitutes full and final settlement of any and all allegations of past known violations, including but not limited to, water quality standards, relating to the County's use of the Facility's injection system prior to entry of this Amended Order.

26. Entry of this Amended Order does not relieve County of the need to comply with applicable federal, state or local laws, regulations or ordinances, except to the extent compliance is explicitly governed by this Amended Order.

27. Notwithstanding the reservations contained in paragraph 41, the County and Department agree that the terms and conditions set forth in this Amended Order may be enforced in a court of competent jurisdiction pursuant to Section 120.69 and 403.121, F.S. Proof of failure to comply with the terms of this Amended Order shall constitute a violation of Section 403.161(1) (b), F.S.

28. County is fully aware that a violation of the material terms of this Amended Order may subject County to judicial imposition of damages, civil penalties up to $10,000.00 per day per violation, and criminal penalties.

29. County shall allow all authorized representatives of the Department access to the County's property and facility at reasonable times for the purpose of determining compliance with the terms of this Amended Order and the rules and statutes of the Department.

30. The Department hereby expressly reserves the right to initiate legal action to prevent or prohibit any violations of applicable statutes, or the rules promulgated there under that are not specifically addressed by the terms of this Amended Order.

31. The Department, for and in consideration of the complete and timely performance by County of the obligations agreed to in this Amended Order, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations explicitly addressed in this Amended Order.

32. No modifications of the terms of this Amended Order shall be effective until reduced to writing and executed by both County and the Department.

33. In the event of a sale or conveyance of the facility or of the property upon which the facility is located, if all of the requirements of this Amended Order have not been fully satisfied, County shall, at least 30 days prior to the sale or conveyance of the property or facility, (1) notify the Department of such sale or conveyance, (2) provide the name and address of the purchaser, or operator, or person(s) in control of the facility, and (3) provide a copy of this Amended Order with all attachments to the purchaser. The sale or conveyance of the facility, or the property upon which the facility is located shall not relieve the County of the obligations imposed in this Amended Order.

34. This Amended Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Amended Order is not a settlement of any criminal liabilities that may arise under Florida law.

35. Where required by Chapter 471 (P.E.) and Chapter 492 (P.G.) F.S., documents

which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.

36. The County will provide a notice by letter to the Department for the tasks commenced and completed as listed in Appendix B: the *Miami Dade Water and Sewer Department (MDWASD) South District Waste Water Treatment Plant (SDWWTP) High Level Disinfection Upgrade overall project schedule, updated 10/05/09*. Such notices shall be provided within 7 days of task commencement and within 30 days of task completion.

37. All payments, reports, plans, permit applications and data required by this Amended Order to be submitted to the Department should be sent to the Department of Environmental Protection, attention: Water Facilities Administrator, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401. Such payments, reports, plans, permit applications and data may also be submitted electronically to said Water Facilities Administrator. If the due date falls on an official State or County holiday or weekend, the information shall be due on the next business day.

38. The terms of this Amended Order shall not be construed as and are not intended by the County to be an admission of any violation of Florida or federal law or regulations or of any liability in connection therewith.

39. There are no intended third party beneficiaries to this Amended Order.

40. The provisions of this Amended Order shall apply to and be binding upon the parties, their officers, directors, agents, employees, successors, and assigns and all persons, firms and corporations acting under, through or for them and upon those persons, firms and corporations in active concert or participation with them.

41. The County hereby reserves the rights to assert any and all defenses afforded in pursuant to Section 120.69(5) Fla. Stat., in the event the Department initiates a legal proceeding pursuant to Section 120.69 (1) (a) Fla. Stat. to enforce the material terms of this Amended Consent Order. Additionally, the County does not admit to and expressly reserves the right to challenge the following in any legal or administrative action or proceeding brought by the Department or the State of Florida; a conclusion by the Department that there is movement of fluid containing contaminants from the "Boulder Zone" into the upper Floridan aquifer system in violation of state law or rules; a determination that the County's use of the facility causes any violation of Rule 62-520.400 F.A.C., the jurisdiction, and authority of the Department over this matter; the constitutionality, legality, and applicability of Chapters 403 and 376, FS, Title 62, FAC, and the Safe Drinking Water Act, 42 U.S.C. § 300h, et.seq. and all state regulations which may be enforced against or applied to the County in relation to the injection wells at County's South District Wastewater Treatment Plant; any other state law and any federal regulation which may be enforced against or applied to County in relation to the injection wells at County's South District Wastewater Treatment Plant.

42. The parties hereto agree that this Amended Consent Order sets forth the entire agreement between the parties with regard to the matters covered by this Amended Consent Order, the Original Order except for the ground water study included in paragraph 15 of the Original Order and Consent Order OGC Case No. 94-3659, and there are no promises or understandings, other than those stated herein.

43. This Amended Consent Order is the result of negotiation between the parties hereto and has been typed by one party for the convenience of both parties. The parties

covenant that the language herein shall not be construed for or against any party based upon which party typed this Agreement.

44. This Amended Order is a final order of the Department pursuant to section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition this Amended Order will not be effective until further order of the Department, however the County acknowledges and waives its right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this Amended Order. County acknowledges its right to appeal the terms of this Amended Order pursuant to Section 120.68, F.S. and waives the right upon signing this Amended Order. The County does not waive its rights to appeal the enforcement of this Amended Order, or to appeal any alleged violation of this Amended Order, or to appeal any final agency action taken by the Department pursuant to this Amended Order.

45. The Department agrees to expeditiously process any permit application(s) submitted by the County, relating to this Amended Order in accordance with applicable regulations.

46. This Amended Order shall terminate after the County submits and the Department receives and approves, a certification of compliance stating that all provisions contained in this Amended Order have been completed. The Department shall have 45 days from receipt of this certification of compliance to provide a written response to the County's certification of compliance (initial response). The initial response shall be one of approval, denial or insufficient information to make determination. If the Department determines that the certification of

compliance has insufficient information such that it cannot in good faith either approve or deny full completion, the Department shall so state in writing, specifically providing what information is required and make request of a supplemental certification of compliance from the County. The County shall submit a supplemental certification of compliance within 30 days of receipt of the Department's initial response. The Department shall have 30 days from receipt of the supplemental certification of compliance to either approve or deny full completion of all terms of this Amended Order. If the Department denies the County's supplemental certification of compliance, the Department may exercise its rights pursuant to Paragraphs 27 and 30 of this Amended Order. The certification of compliance shall be sent to the Department of Environmental Protection, attention: Water Facilities Administrator, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401.

47. With regard to any determination made by the Department regarding implementation of the requirements of this Amended Consent Order, the County may file a Petition for Formal or Informal Administrative Hearing. If the County objects to the Department's determination, pursuant to Section 120.57, Florida Statutes, the County shall have the burden to establish the inappropriateness of the Department's determination. The petition must contain the information set forth in paragraph 50, below, and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Blvd. MS-35, Tallahassee, Florida, 32399-3000, within 21 days after receipt of notice of the Department's determination the County intends to challenge and must conform with the requirements of Rule 28-106.201, Florida Administrative Code. Failure to file a petition within this time period shall constitute a waiver by the County of its right to request an administrative proceeding under Section 120.57,

Florida Statutes. The Department's determination, upon expiration of the 21 day time period if no petition is filed, or the Department's Final Order as a result of the filing of a petition, shall be incorporated by reference into this Amended Consent Order and made a part of it. All other aspects of this Amended Consent Order shall remain in full force and effect at all times. If the County seeks an administrative proceeding pursuant to this paragraph, the Department may file suit against the County in lieu of or in addition to holding the administrative proceeding to obtain judicial resolution of all the issues unresolved at the time of the request for administrative proceeding. In any action initiated by the Department to enforce the terms of this Amended Consent Order, or any requirement of any statute or rule, the Department shall bear the burden of proof. The petition shall contain the following information set forth in paragraph 49, below.

48. The County shall publish the following notice in a newspaper of daily circulation in Miami-Dade County, Florida. The notice shall be published one time only within 14 days after the effective date of the Amended Consent Order by the Department:

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF AMENDED CONSENT ORDER

The Department of Environmental Protection gives notice of agency action of entering into an Amended Consent Order with Miami-Dade County pursuant to Section 120.57(4), Florida Statutes. The Amended Consent Order addresses the effluent treatment process at Miami-Dade's wastewater treatment facility located at 8950 SW 232rd Street Miami-Dade County, Florida . The Amended Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401.

Persons whose substantial interests are affected by this Amended Consent Order have a right to petition for an administrative hearing on the Amended Consent Order. The Petition must contain the information set forth below and must be filed (received) in 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 Amended 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 during the course of the proceeding;

(c) An explanation of how the petitioner's substantial interests will be affected by the Amended Consent Order;

(d) A statement of when and how the petitioner received notice of the Amended Consent Order;

(e) A statement of all material facts disputed by petitioner, if any;

(f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Amended Consent Order;

(g) A statement of which rules or statutes the petitioner contends require reversal or modification of the Amended Consent Order; and

(h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Amended 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 Amended 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 petition filed pursuant to Rule 28-106.205, Florida Administrative Code.

A person whose substantial interests are affected by the Amended Consent Order may file a timely petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes, or may choose to pursue mediation as an alternative remedy under Section 120.573, Florida Statutes, before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for pursuing mediation are set forth below.

Mediation may only take place if the Department and all the parties to the proceeding agree that mediation is appropriate. A person may pursue mediation by reaching a mediation agreement with all parties to the proceeding (which include the Respondent, the Department, and any person who has filed a timely and sufficient petition for a hearing) and by showing how the substantial interests of each mediating party are affected by the Amended Consent Order. The agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 10 days after the deadline as set forth above for the filing of a petition.

The agreement to mediate must include the following:

(a) The names, addresses, and telephone numbers of any persons who may attend the mediation;

(b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;

(c) The agreed allocation of the costs and fees associated with the mediation;

(d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;

(e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;

(f) The name of each party's representative who shall have authority to settle or recommend settlement; and

(g) Either an explanation of how the substantial interests of each mediating party will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that each party has already filed, and incorporating it by reference.

(h) The signatures of all parties or their authorized representatives.

As provided in Section 120.573, Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above, and must therefore file their petitions within 21 days of receipt of this notice. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57, Florida Statutes, remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

FOR THE RESPONDENT

_____ _____

Carlos Alvarez, County Mayor Date
Miami-Dade County

DONE AND ORDERD this _____ day of _____ 2010 in West Palm Beach, Florida

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

_____

Jack Long
Director
Southeast District

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

_____ _____

Agency Clerk Date

Copies furnished to:
Larry Morgan, Chief Deputy General Counsel
Henry Gillman, Assistant County Attorney
Linda Brien, Water Facilities Program Administrator, Southeast District (for Domestic Waste)
Joe May, UIC Program Manager, Southeast District (for UIC)

EXHIBIT A

Discharge Monitoring Report Forms

Six Pages

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A
Consent Order Number 03-1376

When Completed mail this report to: Department of Environmental Protection, Southeast District, 400 North Congress Avenue, Suite 200, West Palm Beach, FL, 33401

PERMITTEE NAME: Miami Dade Water and Sewer Department
MAILING ADDRESS: 3071 SW 38th Avenue
Miami , FL 33146

FACILITY: MDWASD South District WWTF
LOCATION: 8950 SW 232 Street
Miami, FL 33170

COUNTY: Miami-Dade

PERMIT NUMBER FLA042137

LIMIT: Final
CLASS SIZE: N/A

REPORT: Monthly
GROUP: Domestic

MONITORING GROUP NUMBER: U-001
MONITORING GROUP DESC: Consent Order DMR

NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: _____ To _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Nitrogen, Total	Sample Measurement										
PARM Code 00600 1 Mon. Site No. EFF-001	Permit Requirement						Report (Max.)	mg/L		Monthly	24-hour FPC
Nitrogen, Nitrate, Total (as N)	Sample Measurement										
PARM Code 00620 1 Mon. Site No. EFF-001	Permit Requirement						Report (Max.)	mg/L		Monthly	24-hour FPC
Nitrogen, Nitrite, Total (as N)	Sample Measurement										
PARM Code 00615 1 Mon. Site No. EFF-001	Permit Requirement						Report (Max.)	mg/L		Monthly	24-hour FPC
Nitrogen, Nitrate and Nitrite, Total (as N)	Sample Measurement										
PARM Code 00630 1 Mon. Site No. EFF-001	Permit Requirement						Report (Max.)	mg/L		Monthly	24-hour FPC
Nitrogen, Total	Sample Measurement										
PARM Code 00600 1 Mon. Site No. EFF-002	Permit Requirement						Report (Max.)	mg/L		Monthly	24-hour FPC
Nitrogen, Nitrate, Total (as N)	Sample Measurement										
PARM Code 00620 1 Mon. Site No. EFF-002	Permit Requirement						Report (Max.)	mg/L		Monthly	24-hour FPC

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (YY/MM/DD)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

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DISCHARGE MONITORING REPORT - PART A (Continued)

Consent Order Number 03-1376

FACILITY: MDWASD South District WWTF

MONITORING GROUP NUMBER: U-001

PERMIT NUMBER: FLA042137

MONITORING PERIOD From: _____ To _____

Parameter		Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
Nitrogen, Nitrite, Total (as N)	Sample Measurement										
PARM Code 00615 1 Mon. Site No. EFF-002	Permit Requirement						Report (Max.)	mg/L		Monthly	24-hour FPC
Nitrogen, Nitrate and Nitrite, Total (as N)	Sample Measurement										
PARM Code 00630 1 Mon. Site No. EFF-002	Permit Requirement						Report (Max.)	mg/L		Monthly	24-hour FPC
Coliform, Fecal	Sample Measurement										
PARM Code 74055 Y Mon.Site No. EFF-001	Permit Requirement				200 (An. Avg.)			#/100mL		Daily	Grab
Coliform, Fecal	Sample Measurement										
PARM Code 74055 1 Mon.Site No. EFF-001	Permit Requirement				200 (Geometric mean)	10 Percent > 400 #/100mL	800 (Max.)	#/100mL		Daily	Grab
Chlorine, Total Residual	Sample Measurement										
PARM Code 50060 1 Mon.Site No. EFF-001	Permit Requirement				0.5 (Max.)			mg/L		Continuous	Meter
Coliform, Fecal	Sample Measurement										
PARM Code 74055 Y Mon.Site No. EFF-002	Permit Requirement				200 (An. Avg.)			#/100mL		Daily	Grab
Coliform, Fecal	Sample Measurement										
PARM Code 74055 1 Mon.Site No. EFF-002	Permit Requirement				200 (Geometric mean)	10 Percent > 400 #/100mL	800 (Max.)	#/100mL		Daily	Grab
Chlorine, Total Residual	Sample Measurement										
PARM Code 50060 1 Mon.Site No. EFF-002	Permit Requirement				0.5 (Max.)			mg/L		Continuous	Meter
Turbidity	Sample Measurement										
PARM Code 00070 B Mon.Site No. EFB-001	Permit Requirement				Report (Max.)			NTU		Continuous after start up of effluent filters	Meter

Footnotes:

1. The sampling site "Existing Effluent Pump Station " for 24 hour flow proportionate composite sample shall refer to EFF-001 on injection well(IW) 1 force main and EFF-002 on IW-2 force main.
2. The sampling site "After Filters and before addition of disinfection" shall refer to EFB-01 located after effluent filters and before addition of disinfection and the bypass filter line.
3. Turbidity Sampling not required until the new effluent filters are placed into service.

3

DAILY SAMPLE RESULTS - PART B
Consent Order Number 03-1376

U-001 (IW-1)

Permit Number: FLA042137 Facility: MDWASD South District WWTF
Monitoring Period From: _____ To: _____

	Nitrogen, Total (mg/L)	Nitrogen, Nitrate, Total (as N) (mg/L)	Nitrogen, Nitrite, Total (as N) (mg/L)	Nitrogen, Nitrate and Nitrite, Total (as N) (mg/L)	Coliform, Fecal (#/100mL)	Chlorine, Total Residual (TRC) (mg/L)	Turbidity (NTU)
Code	00600	00620	00615	00630	74055	50060	00070
Mon. Site	EFF-001	EFF-001	EFF-001	EFF-001	EFF-001	EFF-001	EFB-01
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
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18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
Total							
Mo. Avg.							

PLANT STAFFING:

Day Shift Operator Class: _____ Certificate No: _____ Name: _____

Evening Shift Operator Class: _____ Certificate No: _____ Name: _____

Night Shift Operator Class: _____ Certificate No: _____ Name: _____

Lead Operator Class: _____ Certificate No: _____ Name: _____

DAILY SAMPLE RESULTS - PART B
Consent Order Number 03-1376

U-001 (IW-2)

Permit Number: FLA042137 Facility: MDWASD South District WWTF
Monitoring Period From: _____ To: _____

	Nitrogen, Total (mg/L)	Nitrogen, Nitrate, Total (as N) (mg/L)	Nitrogen, Nitrite, Total (as N) (mg/L)	Nitrogen, Nitrate and Nitrite, Total (as N) (mg/L)	Coliform, Fecal (#/100mL)	Chlorine, Total Residual (TRC) (mg/L)
Code	00600	00620	00615	00630	74055	50060
Mon. Site	EFF-002	EFF-002	EFF-002	EFF-002	EFF-002	EFF-002
1						
2						
3						
4						
5						
6						
7						
8						
9						
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24						
25						
26						
27						
28						
29						
30						
31						
Total						
Mo. Avg.						

INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT

Read these instructions as well as the SUPPLEMENTAL INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT before completing the DMR. Hard copies and/or electronic copies of the required parts of the DMR were provided with the permit. All required information shall be completed in full and typed or printed in ink. A signed, original DMR shall be mailed to the address printed on the DMR by the 28th of the month following the monitoring period. The DMR shall not be submitted before the end of the monitoring period.

The DMR consists of three parts--A, B, and D--all of which may or may not be applicable to every facility. Facilities may have one or more Part A's for reporting effluent or reclaimed water data. All domestic wastewater facilities will have a Part B for reporting daily sample results. Part D is used for reporting ground water monitoring well data.
When results are not available, the following codes should be used on parts A and D of the DMR and an explanation provided where appropriate. Note: Codes used on Part B for raw data are different.

CODE	DESCRIPTION/INSTRUCTIONS
ANC	Analysis not conducted.
DRY	Dry Well
FLD	Flood disaster.
IFS	Insufficient flow for sampling.
LS	Lost sample.
MNR	Monitoring not required this period.

CODE	DESCRIPTION/INSTRUCTIONS
NOD	No discharge from/to site.
OPS	Operations were shutdown so no sample could be taken.
OTH	Other. Please enter an explanation of why monitoring data were not available.
SEF	Sampling equipment failure.

When reporting analytical results that fall below a laboratory's reported method detection limits or practical quantification limits, the following instructions should be used:

1. Results greater than or equal to the PQL shall be reported as the measured quantity.
2. Results less than the PQL and greater than or equal to the MDL shall be reported as the laboratory's MDL value. These values shall be deemed equal to the MDL when necessary to calculate an average for that parameter and when determining compliance with permit limits.
3. Results less than the MDL shall be reported by entering a less than sign ("<") followed by the laboratory's MDL value, e.g. < 0.001. A value of one-half the MDL or one-half the effluent limit, whichever is lower, shall be used for that sample when necessary to calculate an average for that parameter. Values less than the MDL are considered to demonstrate compliance with an effluent limitation.

PART A -DISCHARGE MONITORING REPORT (DMR)

Part A of the DMR is comprised of one or more sections, each having its own header information. Facility information is preprinted in the header as well as the monitoring group number, whether the limits and monitoring requirements are interim or final, and the required submittal frequency (e.g. monthly, annually, quarterly, etc.). Submit Part A based on the required reporting frequency in the header and the instructions shown in the permit. The following should be completed by the permittee or authorized representative:

No Discharge From Site: Check this box if no discharge occurs and, as a result, there are no data or codes to be entered for all of the parameters on the DMR for the entire monitoring group number; however, if the monitoring group includes other monitoring locations (e.g., influent sampling), the "NOD" code should be used to individually denote those parameters for which there was no discharge.
Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.
Sample Measurement: Before filling in sample measurements in the table, check to see that the data collected correspond to the limit indicated on the DMR (i.e. interim or final) and that the data correspond to the monitoring group number in the header. Enter the data or calculated results for each parameter on this row in the non-shaded area above the limit. Be sure the result being entered corresponds to the appropriate statistical base code (e.g. annual average, monthly average, single sample maximum, etc.) and units.
No. Ex.: Enter the number of sample measurements during the monitoring period that exceeded the permit limit for each parameter in the non-shaded area. If none, enter zero.
Frequency of Analysis: The shaded areas in this column contain the minimum number of times the measurement is required to be made according to the permit. Enter the actual number of times the measurement was made in the space above the shaded area.
Sample Type: The shaded areas in this column contain the type of sample (e.g. grab, composite, continuous) required by the permit. Enter the actual sample type that was taken in the space above the shaded area.
Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.
Comment and Explanation of Any Violations: Use this area to explain any exceedances, any upset or by-pass events, or other items which require explanation. If more space is needed, reference all attachments in this area.

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PART B - DAILY SAMPLE RESULTS

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.
Daily Monitoring Results: Transfer all analytical data from your facility's laboratory or a contract laboratory's data sheets for all day(s) that samples were collected. Record the data in the units indicated. Table 1 in Chapter 62-160, F.A.C., contains a complete list of all the data qualifier codes that your laboratory may use when reporting analytical results. However, when transferring numerical results onto Part B of the DMR, only the following data qualifier codes should be used and an explanation provided where appropriate.

CODE	DESCRIPTION/INSTRUCTIONS
<	The compound was analyzed for but not detected.
A	Value reported is the mean (average) of two or more determinations.
J	Estimated value, value not accurate.
Q	Sample held beyond the actual holding time.
Y	Laboratory analysis was from an unpreserved or improperly preserved sample.

Add the results to get the Total and divide by the number of days in the month to get the Monthly Average.
Plant Staffing: List the name, certificate number, and class of all state certified operators operating the facility during the monitoring period. Use additional sheets as necessary.

PART D - GROUND WATER MONITORING REPORT

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.
Date Sample Obtained: Enter the date the sample was taken. Also, check whether or not the well was purged before sampling.
Time Sample Obtained: Enter the time the sample was taken.
Sample Measurement: Record the results of the analysis. If the result was below the minimum detection limit, indicate that.
Detection Limits: Record the detection limits of the analytical methods used.
Analysis Method: Indicate the analytical method used. Record the method number from Chapter 62-160 or Chapter 62-601, F.A.C., or from other sources.
Sampling Equipment Used: Indicate the procedure used to collect the sample (e.g. airlift, bucket/bailer, centrifugal pump, etc.)
Samples Filtered: Indicate whether the sample obtained was filtered by laboratory (L), filtered in field (F), or unfiltered (N).
Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.
Comments and Explanation: Use this space to make any comments on or explanations of results that are unexpected. If more space is needed, reference all attachments in this area.

SPECIAL INSTRUCTIONS FOR LIMITED WET WEATHER DISCHARGES

Flow (Limited Wet Weather Discharge): Enter the measured average flow rate during the period of discharge or divide gallons discharged by duration of discharge (converted into days). Record in million gallons per day (MGD).
Flow (Upstream): Enter the average flow rate in the receiving stream upstream from the point of discharge for the period of discharge. The average flow rate can be calculated based on two measurements; one made at the start and one made at the end of the discharge period. Measurements are to be made at the upstream gauging station described in the permit.
Actual Stream Dilution Ratio: To calculate the Actual Stream Dilution Ratio, divide the average upstream flow rate by the average discharge flow rate. Enter the Actual Stream Dilution Ratio accurate to the nearest 0.1.
No. of Days the SDF > Stream Dilution Ratio: For each day of discharge, compare the minimum Stream Dilution Factor (SDF) from the permit to the calculated Stream Dilution Ratio. On Part B of the DMR, enter an asterisk (*) if the SDF is greater than the Stream Dilution Ratio on any day of discharge. On Part A of the DMR, add up the days with an "*" and record the total number of days the Stream Dilution Factor was greater than the Stream Dilution Ratio.
$CBOD_5$: Enter the average $CBOD_5$ of the reclaimed water discharged during the period shown in duration of discharge.
TKN: Enter the average TKN of the reclaimed water discharged during the period shown in duration of discharge.
Actual Rainfall: Enter the actual rainfall for each day on Part B. Enter the actual cumulative rainfall to date for this calendar year and the actual total monthly rainfall on Part A. The cumulative rainfall to date for this calendar year is the total amount of rain, in inches, that has been recorded since January 1 of the current year through the month for which this DMR contains data.
Rainfall During Average Rainfall Year: On Part A, enter the total monthly rainfall during the average rainfall year and the cumulative rainfall for the average rainfall year. The cumulative rainfall for the average rainfall year is the amount of rain, in inches, which fell during the average rainfall year from January through the month for which this DMR contains data.
No. of Days LWWD Activated During Calendar Year: Enter the cumulative number of days that the limited wet weather discharge was activated since January 1 of the current year.
Reason for Discharge: Attach to the DMR a brief explanation of the factors contributing to the need to activate the limited wet weather discharge.

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