

MEMORANDUM

Agenda Item No. 8(O)(2)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: December 16, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving and authorizing the County Mayor to execute Consent Orders OGC Nos. 23-0896 and 23-0898 between Miami-Dade County and the Florida Department of Environmental Protection settling alleged violations of state environmental laws relating to the Miami-Dade Water and Sewer Department's North District Wastewater Treatment Plant (NDWWTP) and South District Wastewater Treatment Plant (SDWWTP); authorizing the County Mayor, pursuant to the NDWWTP Consent Order, to either: (a) pay a civil penalty in the amount of \$20,000.00 and costs of \$1,000.00, or (b) perform a Pollution Prevention Project with a minimum value of \$30,000.00; and authorizing the County Mayor, pursuant to the SDWWTP Consent Order, to develop and implement any plans required by the Consent Order and to either: (a) pay a civil penalty in the amount of \$89,000.00 and costs of \$1,000.00, or (b) perform a Pollution Prevention Project with a minimum value of \$133,500.00

The accompanying resolution was prepared by the Water & Sewer Department and placed on the agenda at the request of Prime Sponsor Infrastructure, Innovation & Technology Committee.




Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001

Date: December 16, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Resolution Authorizing the Execution of Consent Orders for the Miami-Dade Water and Sewer Department North District and South District Wastewater Treatment Plants

Executive Summary

This item seeks approval from the Board of County Commissioners (the Board) to authorize the execution of Consent Order OGC No. 23-0896 and Consent Order OGC No. 23-0898 (collectively, the Consent Orders) between Miami-Dade County (the County) and the State of Florida Department of Environmental Protection (FDEP) for the Miami-Dade Water and Sewer Department (WASD) North District Wastewater Treatment Plant (NDWWTP) and South District Wastewater Treatment Plant (SDWWTP), respectively. Through these Consent Orders, WASD and FDEP have reached negotiated agreements that resolve outstanding compliance matters at both the NDWWTP and SDWWTP facilities. The Consent Orders impose civil penalties but also provide the County the option to direct those resources into Pollution Prevention or in-kind projects approved by FDEP, which would allow the funds due to be reinvested into measures that improve operations and protect the environment.

The NDWWTP Consent Order resolves a limited number of permit exceedances and spills identified by FDEP. Importantly, FDEP agreed with WASD that these isolated instances did not reflect systemic deficiencies at the Plant. The negotiated resolution reflects the Department's overall strong compliance record and requires only a modest civil penalty of \$20,000 and investigative costs of \$1,000. In recognition of WASD's commitment to environmental protection, the NDWWTP Consent Order allows the County to offset the penalty through implementation of a Pollution Prevention or in-kind project, which will provide the County with the opportunity to reinvest the funds due directly into sustainability measures that benefit the community. The NDWWTP Consent Order (OGC No. 23-0896) is attached hereto as Exhibit 1.

The SDWWTP Consent Order addresses a broader scope of issues, including effluent exceedances, unauthorized discharges, and bypasses that occurred at the Plant between 2021 and 2025. In addition to a civil penalty of \$89,000 and investigative costs of \$1,000, the SDWWTP Consent Order requires WASD to develop and implement a Permit Compliance Plan to ensure continued compliance with effluent quality standards and to prevent unauthorized bypasses and discharges. The Permit Compliance Plan must include engineering evaluations, operator training improvements, and enhanced spill prevention measures. The SDWWTP Consent Order also allows WASD to offset payment of the civil penalty through implementation of a Pollution Prevention or an in-kind project. The SDWWTP Consent Order (OGC No. 23-0898) is attached hereto as Exhibit 2.

WASD is committed to protecting our clean water to safeguard public health and the environment. Over the past two years, FDEP has conducted extensive reviews of records, dating back more than a decade, from utilities across the State. WASD has worked closely with FDEP during this process, building on a productive and cooperative relationship to improve the County's sanitary sewer systems and wastewater treatment plants, and ultimately, to protect public health and our natural resources.

Recommendation

It is recommended that the Board authorize the execution of the Consent Orders between the County and FDEP and direct the County Mayor or the County Mayor's designee to prepare and implement the specific plans within the designated timeframes to address compliance issues at the NDWWTP and the SDWWTP.

Scope

The NDWWTP is located at 2575 NE 156 St, North Miami Beach, FL 33160 in Commission District 4, which is represented by Commissioner Micky Steinberg. The SDWWTP is located at 23000 SW 97 Ave, Cutler Bay, FL 33190 in Commission District 8, which is represented by Commissioner Danielle Cohen Higgins.

Delegation Of Authority

Upon approval of this item, the County Mayor or County Mayor's designee shall have the authority to execute the Consent Orders and to exercise all provisions contained therein. In addition, the County Mayor or County Mayor's designee will have the authority to either: (1) pay civil penalties for both Plants that collectively total \$109,000, or (2) in lieu of paying such penalties, carry out Pollution Prevention (P2) or in-kind projects approved by FDEP.

Fiscal Impact / Funding Source:

The fiscal impact to the County includes a \$20,000 civil penalty and \$1,000 in costs for the NDWWTP Consent Order, or in lieu of paying such penalty, the implementation of a Pollution Prevention or in-kind project with a minimum value of \$30,000. For the SDWWTP Consent Order, the fiscal impact includes an \$89,000 civil penalty and \$1,000 in costs, or alternatively, a Pollution Prevention Project or in-kind project with a minimum value of \$133,500. Additional costs may result from the development and implementation of the Permit Compliance Plan required under the SDWWTP Consent Order.

Any monies required for payment of civil penalties or completion of Pollution Prevention/in-kind projects pursuant to the NDWWTP and SDWWTP Consent Orders will be funded through a combination of WASD's Sewer Renewal and Replacement Fund and Operating Revenues, as listed in WASD's Fiscal Year 2025-2026 Adopted Budget and Multi-Year Capital Plan under Consent Decree: Wastewater Treatment Plants Projects, Program #964120, Volume #3, Page #103. There will be no impact to the General Fund.

Track Record/Monitor:

WASD's Deputy Director of Planning, Regulatory Compliance, and Capital Infrastructure, Marisela Aranguiz-Cueto, P.E., will oversee the implementation of the Consent Orders.

Background:

Since December 6, 2013, the County has been under a Consent Decree entered into with the State of Florida, FDEP and the U.S. Environmental Protection Agency (EPA), which included 23 capital improvement projects at the NDWWTP and SDWWTP. Both plants are on track to meet the compliance date of 2028 for these improvements. In addition, the NDWWTP is also undergoing capital improvement projects related to the Ocean Outfall legislation passed by the State of Florida in 2008, which requires that all ocean outfalls in Florida cease using the outfalls as the primary means of wastewater disposal.

As a result of the numerous large-scale projects occurring simultaneously at the SDWWTP, the facility has been under stressed conditions and maintaining operations has proven challenging at times. WASD has taken all possible mitigating measures to minimize unauthorized discharges and exceedances.

Since 2020, WASD has taken momentous steps to safeguard the overall wellbeing of the environment and public health in the County through investments at the Central, North, and South District Wastewater Treatment Plants as well as by making improvements throughout the wastewater collection and transmission system. WASD has accelerated essential capital water and sewer infrastructure projects and

has invested approximately \$2.2 billion in crucial water and sewer upgrades and completed 950 projects through Fiscal Year 2024.

The NDWWTP and SDWWTP Consent Orders are the result of continued collaboration between WASD and FDEP to resolve compliance concerns and strengthen operational reliability at both plants. The NDWWTP Consent Order resolves a limited number of permit exceedances and spills identified by FDEP. Importantly, FDEP agreed with WASD that these isolated instances did not reflect systemic deficiencies at the Plant. The negotiated resolution reflects WASD's overall strong compliance record, requiring only a modest civil penalty of \$20,000 and \$1,000 in investigation costs. In recognition of WASD's commitment to environmental protection, the NDWWTP Consent Order allows the County to offset the penalty through implementation of a Pollution Prevention or in-kind project, which provides the County with the opportunity to reinvest the funds due directly into sustainability measures that benefit the community.

The SDWWTP Consent Order addresses a broader range of issues, including effluent exceedances, unauthorized discharges, and bypasses that occurred at the Plant between 2021 and 2025. In addition to a civil penalty of \$89,000 and \$1,000 in investigation costs, the SDWWTP Consent Order requires WASD to develop and implement a Permit Compliance Plan to ensure continued compliance with effluent quality standards and to prevent unauthorized bypasses and discharges. The Permit Compliance Plan must include engineering evaluations, operator training improvements, and enhanced spill prevention measures. The Consent Order also allows WASD to offset payment of the civil penalty through implementation of a Pollution Prevention or an in-kind project.

Both Consent Orders also outline stipulated penalties for any future exceedances, missed deadlines, or failures to meet compliance measures within the agreed-upon timeframes, which is intended to ensure accountability moving forward.

Attachments



Roy Coley
Chief Utilities and Regulatory Services Officer



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jay Collins
Lt. Governor

Alexis A. Lambert
Secretary

Miami-Dade County
Jay Fink, Director
Miami Dade Water and Sewer Department
3071 SW 38th Avenue
Miami, FL 33146
Jay.Fink@miamidade.gov

SUBJECT: Department of Environmental Protection v. Miami-Dade County, OGC
File No.: 23-0896
Facility ID No.: FL0032182

Mr. Fink:

The State of Florida Department of Environmental Protection (“Department”) finds that Miami-Dade County (“Respondent”) had 31 effluent exceedances from August 2020 through July 2022 in violation of Rule 62-620.300(5), F.A.C. The 5 effluent exceedances for which the Department is seeking penalties are described below:

Monitoring Group	Date	Description	Result	Limit	Units	Statistical Base
R-002	1/31/2021	Solids, Total Suspended	26.2	20.0	mg/L	AB - Annual Average
U-001	1/31/2021	Solids, Total Suspended	21.3	20.0	mg/L	AB - Annual Average
D-001	11/30/2020	CBOD, % Removal, 5-day	80	85.0	percent	MJ - Monthly Average Minimum

R-002	10/31/2020	Solids, Total Suspended	69	60.0	mg/L	MB - Maximum
U-001	10/31/2020	Solids, Total Suspended	20.7	20.0	mg/L	AB - Annual Average

Although there are no actions required to correct the violations, the Respondent remains subject to civil penalties as a result of the violations. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

The Department's Offer

Based on the violations described above, the Department is seeking \$20,000.00 in civil penalties and \$1,000.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$21,000.00. The civil penalty in this matter includes 5 violations of \$2,000.00 or more, all related to effluent exceedances.

However, in lieu of paying the full civil penalty, the Department has determined that \$20,000.00 of the civil penalty may be offset through implementation of the Pollution Prevention Project (P2 Project) described in the attached Exhibit A, which must be approved by the Department. This amount is referred to as the "offset amount."

- (1) Respondent may elect to offset the civil penalty amount of \$20,000.00 by implementing a Pollution Prevention (P2) Project, described in Exhibit A, which must be approved by the Department. P2 is a process improvement that reduces the amount of pollution that enters the environment; by conserving resource (including water, raw materials, chemicals, and energy) use, or by minimizing waste generation (including domestic and industrial wastewater, solid and hazardous waste, and air emissions). A P2 Project must reduce pollution or waste within the process beyond what is required by Federal, state, or local law, in order to be eligible for civil penalty off-set under this Consent Order.
- (2) If any balance remains after the entire P2 credit is applied to the allowable portion of the civil penalty, Respondent shall pay the difference within 30 calendar days of written notification by the Department to Respondent

that the balance is due.

- (3) Respondent may elect to offset the civil penalty amount of \$20,000.00 by implementing an in-kind penalty project, described in Exhibit B, which must be approved by the Department. An In-Kind Project must be either an environmental enhancement, environmental restoration or a capital/facility improvement project and may not be a corrective action requirement of the Consent Order or otherwise required by law. The Department may also consider the donation of environmentally sensitive land as an In-Kind Project. The value of the in-kind penalty project shall be one and a half times the civil penalty off-set amount, which in this case is the equivalent of at least \$30,000.00.
- (4) If Respondent elects to implement an In-Kind Project, then the Respondent shall comply with all the requirements and time frames in Exhibit B entitled In-Kind Projects.

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at 3301 Gun Club Road, MSC 7210-1, West Palm Beach, Florida, 33406, Henry.Webster@FloridaDEP.gov and SED.Wastewater@dep.state.fl.us within **80 days** of the date of this letter. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Jay Fink:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final; and

- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.; and
- (4) acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

Respondent's Performance

After signing and returning this document to the Department,

- (1) If Respondent chooses to implement a P2 Project, Respondent shall notify the Department in writing of its election within 15 calendar days of the effective date of this Consent Order. Respondent shall then submit a completed P2 Project Plan (Plan) within 30 days of submitting written notification to the Department regarding the election of a P2 Project. The Plan must be completed using Exhibit A, "P2 Project Summary" template.

In the event the Department requires additional information to process the Plan, Respondent shall provide a modified Plan containing the information requested by the Department within 15 days of the date of the written request. Respondent shall implement the approved P2 Project within 60 days of receiving written approval from the Department and shall submit a P2 Project Final Report within 180 days of the receiving written approval from the Department.

Your failure to timely start or complete the P2 Project, or timely provide the Department with the Final Report, will cause the P2 Project option to be forfeited and the balance of the civil penalty which is \$20,000.00 shall be due within 30 days of written notice from the Department. Similarly, if Respondent fails to timely notify the Department of its intent to implement a P2 Project, the full civil penalty shall be due within 30 calendar days of written notice from the Department.

- (2) If Respondent chooses to implement an In-Kind Project, Respondent shall notify the Department of its election within 15 days of the effective date of this Consent Order. If Respondent elects to implement an In-Kind Project, then Respondent shall comply with all requirements and time frames in Exhibit B entitled "In-Kind Projects."
- (3) In the event that Respondent elects to off-set civil penalties by implementing an In-Kind penalty Project which is approved by the Department, during the period that this Consent Order remains in effect or during the effective date of any Department issued Permit to Respondent whichever is longer (Prohibited Transfer Duration), Respondent shall not transfer or use funds obtained by the Respondent from the collection of sewer rates for any purpose not related to the management, operation, or maintenance of the Sewer System or to any capital improvement needs of the Sewer System (hereinafter, Prohibited Transfer). Respondent shall annually certify to the Department using the Annual Certification Form located on Exhibit B to this Consent Order that no Prohibited Transfer has occurred. In the event of any Prohibited Transfer, the In-Kind Project option shall be forfeited, and the entire civil penalty shall immediately become due and owing to the Department irrespective of any expenditures by the Respondent in furtherance of the In-Kind Project.
- (4) Notwithstanding the election to implement a P2 or In-Kind Project, payment of the remaining \$1,000.00 in costs must be paid within 30 calendar days of the effective date of the Consent Order.
- (5) If Respondent does not elect to implement an In-Kind or P2 Project within the timeframes specified above, the full balance of the civil penalty plus Department costs, which amounts to a total of \$21,000.00, shall be due within 60 calendar days of the effective date of this Consent Order.
- (6) Respondent shall make all payments required by this Consent Order by cashier's check, money order or on-line payment. Cashier's check or

money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Consent Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay>. It will take a number of days after this order is final, effective, and filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Consent Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Henry Webster at (561)681-6675 or at Henry.Webster@FloridaDEP.gov.

Sincerely,

Sirena Davila
District Director
Southeast District

FOR THE RESPONDENT:

I, _____ [Type or Print Name], **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: _____
[Signature]

Date: _____

Title: _____
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this __ day of ____, ____, in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Sirena Davila
District Director
Southeast District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk

Date

Attachments: Notice of Rights

Final clerked copy furnished to:

Lea Crandall, Agency Clerk,

Sirena Davila, DEP/SED,

Viviana Useche, DEP/SED,

Jonathan Odjo, DEP/SED,

Lisa Self, DEP/SED,

Antonio Pernas, DEP/SED,

Henry Webster, DEP/SED,

Cynthia Doyon, MDWASD,

Ana Caveda, MDWASD,

Marisela Aranguiz-Cueto, MDWASD,

James Ferguson, MDWASD,

Billie Jo McCarley, MDWASD,

Catalina Lopez-Velandia, MDWASD,

lea.crandall@dep.state.fl.us

Sirena.Davila@FloridaDEP.gov

Viviana.Useche@FloridaDEP.gov

Jonathan.Odjo@FloridaDEP.gov

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Antonio.Pernas@FloridaDEP.gov

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Cynthia.Doyon@miamidade.gov

Ana.Caveda@miamidade.gov

Marisela.Aranguize-Cueto@miamidade.gov

james.ferguson@miamidade.gov

billiejo.mccarley@miamidade.gov

Catalina.Lopez-Velandia@miamidade.gov

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of the following information:

- a) The name and address of each agency affected and each agency's file or identification number, if known;
- b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- c) A statement of when and how the petitioner received notice of the agency decision;
- d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received

via electronic correspondence at Agency_Clerk@floridadep.gov, 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 at the address indicated above. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

Exhibit A

P2 Project Summary (Summary)

(Facility)

(Address)

(Telephone)

(Preparer Name/Title)

A. **Project Description:** (Summarize P2 Projects selected. Describe the processes or operations to be modified, and the specific changes to be made. Include details such as the specific equipment to be installed, materials to be substituted, and the actual changes to be made to processes or operations. Include manufacturer or vendor information, and specifications.)

B. **Environmental and Economic Benefits:** (Explain why and how each Project proposed constitutes P2.

Specify how each material, chemical, water and energy is saved, and from which processes or operations. Specify how each solid and hazardous waste, industrial wastewater and air emissions is generated, the waste type, and from which processes or operations. **Describe generally in paragraph format.**

Estimate the *annual* savings in *resources* - raw materials, chemicals, water, and energy at the process or operation front end. Estimate the *annual* reductions in *wastes* - solid and hazardous waste, wastewater, and air emission reductions at the process or operation back end.

Figures quoted should represent weights or volumes annually and should be equalized for production rate changes. Associated cost savings should be included. **Describe specifically using the tables provided.**

Complete the first table for each Project individually. Add or average corresponding figures from each Project table to complete the Summary table, *for multiple Projects.*)

<i>(Project Name)</i>							
Annual Resource Consumption Comparison							
Item	Quantity Used (gal/lb/kwh-specify)			Purchasing Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Water							
Chemicals							
Materials							
Energy							
Total Annual Cost Savings =							
Annual Waste Generation Comparison							
Item	Quantity Generated (gal/lb/tons-specify)			Disposal Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Hazardous Waste							
Industrial Wastewater							
Solid Waste							
Air Emissions							
Total Annual Cost Savings =							
Total Annual Avoided Cost Savings =							

<i>Summary of All P2 Projects</i>							
Annual Resource Consumption Comparison							
Item	Quantity Used (gal/lb/kwh-specify)			Purchasing Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Water							
Chemicals							
Materials							
Energy							
Total Annual Cost Savings =							
Annual Waste Generation Comparison							
Item	Quantity Generated (gal/lb/tons-specify)			Disposal Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Hazardous Waste							
Industrial Wastewater							

Solid Waste							
Air Emissions							
Total Annual Cost Savings =							
Total Annual Avoided Cost Savings =							

C. **Project Cost:** (Include per Project the itemized, subtotal and Project total costs. A projected payback period in months or years needs to be included.

Provide a grand total cost for all Projects and an averaged projected payback period, *for multiple Projects. Use list or table format for all.*)

D. **Project Reporting:**

1. Within 30 days of completing the P2 Project, the Respondent shall submit to the Department a P2 Project Final Report that includes the following:
 - a. A confirmation that the information presented in Sections A-C of the Summary is unchanged, or an updated version with the sections changed appropriately. A statement that the Project(s) was/were implemented successfully. An explanation of any problems encountered and corrections applied. *A statement indicating the date the Project was started and also the date completed.*
 - b. Attached expense reports, receipts, purchasing instruments and other documents itemizing costs expended on preparing and implementing the Project.
2. The Department shall review the Final Report and determine:
 - a. Whether the project was properly implemented; and
 - b. Which expenses apply toward pollution prevention credits.
3. A \$1.00 pollution prevention credit for each \$1.00 spent on applicable costs will be applied against the portion of the civil penalty that can be offset.
 - a. The following costs *are applicable as P2 credits* toward the civil penalty offset amount:
 - i. Preparation of the P2 Project;
 - ii. Design of the P2 Project;
 - iii. Installation of equipment for the P2 Project;
 - iv. Construction of the P2 Project;
 - v. Testing of the P2 Project;
 - vi. Training of staff concerning the implementation of the P2 Project; and
 - vii. Capital equipment needed for the P2 Project.
 - b. The following costs *shall not apply as P2 credits* toward the civil penalty offset amount:
 - i. Costs incurred in conducting a waste audit;

- P2 Project;
- ii. Maintenance and operation costs involved in implementing the
 - iii. Monitoring and reporting costs;
 - iv. Salaries of employees who perform their job duties;
 - v. Costs expended to bring the facility into compliance with current law, rules and regulations;
 - vi. Costs associated with a P2 Project that is not implemented;
 - vii. Costs associated with a P2 Project that has not been approved by the Department; and
 - viii. Legal costs.
- c. If any balance remains after the entire P2 credit is applied to the allowable portion of the civil penalty, Respondent shall pay the difference within 30 days of written notification by the Department to the Respondent that the balance is due.

E. Project Termination:

1. The Department may terminate the P2 Project at any time during the development or implementation of it, if the Respondent fails to comply with the requirements in this document, act in good faith in preparing and implementing the project, or develop and implement the P2 Project in a timely manner. The Respondent may terminate the P2 Project at any time during its development or implementation.
2. If the P2 Project is terminated for any reason, Respondent shall pay the full balance of the allowable portion of the civil penalty within 30 days of written demand by the Department.

Exhibit B

In-Kind Projects

Proposal

- A. Within 60 days of the effective date of this Consent Order, Respondent shall submit, by certified mail, a detailed in-kind project proposal to the Department for evaluation. The proposal shall include a summary of benefits, proposed schedule for implementation and documentation of the estimated costs which are expected to be incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the in-kind project.

Proposal Certification Form

- B. The proposal shall also include a Certification by notarized affidavit from a senior management official for Miami-Dade County who shall testify as follows:

My name is _____ (print or type name of senior management official) and do hereby testify under penalty of law that:

1. I am a person with management responsibilities for Miami-Dade County budget and finances. During the eighteen month period prior to the effective date of Consent Order OGC Case No.: 23-0896 there has not been any transfer or use of funds obtained by the Miami-Dade County from the collection of sewer rates for any purpose not related to the management, operation, or maintenance of the Sewer System or to any capital improvement needs of the Sewer System.
2. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly submitting false information in this certification.

Sworn to and subscribed before me, by means of physical presence or online notarization, this ____ day of _____, 20__ by

Personally, known or by Production of the following Identification _____

Notary Public, State of Florida

Printed/typed or stamped name:

My Commission Expires:

Commission/Serial No.:

Annual Certification Form

My name is _____ (print or type name of senior management official) and do hereby testify under penalty of law that:

1. I am a person with management responsibilities for Miami-Dade County budget and finances. During the twelve month period immediately preceding the notary date on this Certification, there has not been any transfer or use of funds obtained by the Miami-Dade County from the collection of sewer rates for any purpose not related to the management, operation, or maintenance of the Sewer System or to any capital improvement needs of the Sewer System.

2. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly submitting false information in this certification.

Sworn to and subscribed before me, by means of physical presence or online notarization, this ____ day of _____, 20__ by

Personally, known or by Production of the following Identification _____

Notary Public, State of Florida

Printed/typed or stamped name:

My Commission Expires:

Commission/Serial No.:

C. If the Department requests additional information or clarification due to a partially incomplete in-kind project proposal or requests modifications due to deficiencies with Department guidelines, Respondent shall submit, by certified mail, all requested additional information, clarification, and modifications within 15 days of receipts of written notice.

D. If upon review of the in-kind project proposal, the Department determines that the project cannot be accepted due to a substantially incomplete proposal or due to substantial deficiencies with minimum Department guidelines; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the proposal. Respondent shall correct and redress all the matters at issue and submit, by certified mail, a new proposal within 30 days of receipt of written notice. In the event that the revised proposal is not approved by the Department, Respondent shall make cash payment of the civil penalties within 30 days of Department notice.

E. Within 120 days of the effective date of this Consent Order, Respondent shall obtain approval for an in-kind project from the Department. If an in-kind project proposal is not approved by the Department within 120 days of the effective date of this Consent Order, then Respondent shall make cash payment of the civil penalties within 30 days of Department notice.

F. Within 180 days of obtaining Department approval for the in-kind proposal or in accordance with the approved schedule submitted pursuant to paragraph A of this attachment, Respondent shall complete the entire in-kind project.

G. During the implementation of the in-kind project, Respondent shall place appropriate sign(s) at the project site indicating that Respondent's involvement with the project is the result of a Department enforcement action. Respondent may remove the sign(s) after the project has been completed. However, after the project has been completed Respondent shall not post any sign(s) at the site indicating that the reason for the project was anything other than a Department enforcement action.

H. In the event Respondent fails to timely submit any requested information to the Department, fails to complete implementation of the in-kind project or otherwise fails to comply with any provision of this paragraph, the in-kind penalty project option shall be forfeited, and the entire amount of civil penalties shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the \$ 20,000.00 penalty, no additional penalties shall be assessed for failure to complete the requirement of this paragraph.

I. Within 15 days of completing the in-kind project, Respondent shall notify the Department, by certified mail, of the project completion and request a verification letter from the Department. Respondent shall submit supporting information verifying that the project was completed in accordance with the approved proposal and documentation showing the actual costs incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the project.

J. If upon review of the notification of completion, the Department determines that the project cannot be accepted due to a substantially incomplete notification of completion or due to substantial deviations from the approved in-kind project; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the project. Respondent shall correct and redress all the matters at issue and submit, by certified mail, a new notification of completion within 15 days of receipt of the Department's notice. If upon review of the new submittal, the Department determines that the in-kind project is still incomplete or not in accordance with the approved proposal, the in-kind penalty project option shall be forfeited, and the entire amount of civil penalty shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the \$ 20,000.00, no additional penalties shall be assessed for failure to complete the requirements of this paragraph.

EXHIBIT 2

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION)	SOUTHEAST DISTRICT
)	
v.)	OGC FILE NO. 23-0898
)	
MIAMI-DADE COUNTY)	
_____)	

CONSENT ORDER

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

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida’s air and water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes (F.S.), and the rules promulgated and authorized in Title 62, Florida Administrative Code (F.A.C.). The Department has jurisdiction over the matters addressed in this Order.

2. Respondent is a person within the meaning of Section 403.031(9), F.S.

3. Respondent is the owner and is responsible for the operation of the MDWASD South District WWTF, a 112.5 million gallons per day (MGD) permitted average annual daily flow (AADF) wastewater treatment plant treating domestic wastewater and discharging to 17 Class I industrial underground injection wells (Facility). The Facility is operated under Wastewater Permit No. FLA042137 (Permit), which was issued on September 19, 2017, and has been administratively extended. The Facility is located at 8950 SW 232nd St in Miami, Florida (Property). Respondent owns the Property on which the Facility is located.

4. The Department acknowledges that:

a) The Facility has been under a Consent Decree, as negotiated by Miami-Dade County, the United States Environmental Protection Agency (EPA), and the Florida Department of Environmental Protection, since December 6, 2013, which includes 12 capital improvement projects at the Facility.

b) The Facility's service area contains Volume Sewer Customers that own and operate their own wastewater collection and transmission systems and discharge into the Respondent's wastewater collection and transmission system (WCTS). However, within the Respondent's WCTS, the Respondent has performed sanitary sewer evaluation surveys (SSES) and infiltration and inflow (I&I) rehabilitation programs to reduce I&I into the system, including implementation of the Volume Sewer Customer Ordinance Program, Wellfield Protection Ordinance, and Gravity Sewer System Operations and Maintenance Program.

c) The South District service area is the newest part of the County and has been working on their capacity expansion plan, undergoing construction that is set to be completed in 2026 and will increase their permitted AADF from 112.5 to 131 MGD.

5. The Department finds that the following violation(s) occurred:

a) The facility failed to conduct adequate maintenance and properly operate its biosolids treatment and tertiary sand filters, in violation of Rule 62-600.410, F.A.C. and section 403.161(1)(b), F.S. The Department noted that biosolids were not removed from the treatment train at a sufficient rate, causing large blankets of solids in the clarifiers. The facility exhibited disruptions from the Nutrient Management Plan Rule that changed internal processes and procedures for land application and biosolids disposal requiring the utility to find alternate means. During high flow events, the excessive solids overflow into the sand filters, resulting in clogged sand filters that have necessitated unauthorized bypasses to prevent discharges of wastewater from occurring. These bypasses caused issues with solids loading within the effluent which

may contribute to effluent quality exceedances. The facility has implemented measures to remove excessive biosolids from the system.

b) From April 2022 through April 2025, the Facility had 24 unauthorized discharges of wastewater at the wastewater treatment plant, in violation of Rule 62-620.300(5), F.A.C. and section 403.161(1)(b), F.S.

c) The Facility had 115 effluent exceedances from February 2021 through March 2025, in violation of Rule 62-620.300(5), F.A.C. and section 403.161(1)(b), F.S. The 18 exceedances for which the Department is seeking penalties are described below:

Monitoring Group	Month Ending	Monitoring Location	Description	Result	Limit	Units	Statistical Base
U-001	2/28/2025	U-001	Coliform, Fecal, % less than detection	54	75.0	percent	MJ - Monthly Average Minimum
U-001	12/31/2024	U-001	Coliform, Fecal	68	25.0	#/100 mL	MB - Maximum
U-001	6/30/2024	U-001	Chlorine, Total Residual	0	1.0	mg/L	ME - Minimum
U-001	3/31/2024	R-003	Flow	117.9	112.5	MGD	AB - Annual Average
U-001	1/31/2024	U-001	BOD, Carbonaceous 5 day, 20C	60.5	60.0	mg/L	MB - Maximum
U-001	1/31/2024	U-001	Solids, Total Suspended	324	5.0	mg/L	MB - Maximum
U-001	11/30/2023	R-003	Flow	118.66	112.5	MGD	AB - Annual Average
U-001	11/30/2023	U-001	Coliform, Fecal	2420	25.0	#/100 mL	MB - Maximum
U-001	7/31/2023	U-001	Chlorine, Total Residual	0	1.0	mg/L	ME - Minimum
U-001	4/30/2023	U-001	Solids, Total Suspended	271.7	5.0	mg/L	MB - Maximum

U-001	4/30/2023	U-001	pH	5.9	6.0	s.u.	ME - Minimum
U-001	6/30/2022	U-001	BOD, Carbonaceous 5 day, 20C	67.3	60.0	mg/L	MB - Maximum
U-001	6/30/2022	U-001	Solids, Total Suspended	120	5.0	mg/L	MB - Maximum
U-001	6/30/2022	U-001	pH	5.9	6.0	s.u.	ME - Minimum
U-001	6/30/2022	U-001	Coliform, Fecal	1119.9	25.0	#/100 mL	MB - Maximum
U-001	6/30/2022	U-001	Chlorine, Total Residual	0	1.0	mg/L	ME - Minimum
U-001	12/31/2021	U-001	Chlorine, Total Residual	0	1.0	mg/L	ME - Minimum
U-001	2/28/2021	U-001	Coliform, Fecal	35.5	25.0	#/100 mL	MB - Maximum

d) The facility had 11 unauthorized bypasses from 2022 to 2024, in violation of Rule 62-620.300(5), F.A.C., Permit Condition VIII.22. and section 403.161(1)(b), F.S.

Having reached a resolution of the matter Respondent and the Department mutually agree and it is

ORDERED:

6. Respondent shall comply with the following corrective actions within the below stated time periods:

a) Respondent shall prepare and follow a plan (hereinafter, Permit Compliance Plan), including a schedule that outlines any plant design modifications, process or planning improvements or measures that will be completed by the Facility to meet the effluent quality standards and prevent unauthorized bypasses and discharges in accordance with its permit.

(i) Within 240 days of the effective date of this Order, Respondent shall submit the Permit Compliance Plan to the Department.

(ii) The Permit Compliance Plan shall include but not be limited to:

- 1) An assessment of process controls, including its physical condition
- 2) A Maintenance Program
- 3) Updates to operator training
- 4) A list of actions being implemented to enhance coordination between construction and operations, with the goal of preventing disruptions to treatment or flow. The list should indicate the schedule or frequency with which each action will be carried out.
- 5) An evaluation conducted by a professional engineer registered in the state of Florida of the Facility's existing treatment components as well as the addition of treatment components of ongoing and planned projects to determine if the operation of these is contributing or will contribute to noncompliance. This evaluation shall also include contributing causes to unauthorized discharges at the plant as referenced in sub-paragraph 5(b) of this Order and to bypasses of sand filters as referenced in sub-paragraphs 5(a) and 5(d).
- 6) Spill Prevention standard operating procedures and operator training program, including spill evaluation and root cause analysis, response plan, notifications protocols and ensuring training programs are updated on an annual basis with lessons learned.

(iii) The completion date of the Permit Compliance Plan and schedule, including obtaining any necessary Department permit(s) or permit

modification(s), shall be no later than four years from the effective date of this Consent Order.

(iv) Within one year of completing the Permit Compliance Plan, Respondent shall submit to the Department a Completion Report, summarizing improvements made, the results of the evaluation as well as preventative steps to be taken moving forward to ensure continued compliance with Permit and all applicable rules.

b) If within 54 months of the effective date of this Order, the Facility remains out of compliance with its permitted effluent quality standards, then within 56 months of the effective date of this Order, the Respondent shall submit an alternate plan and schedule to the Department that will address the effluent exceedances and implement the plan in order to successfully bring effluent quality into compliance and prevent unauthorized bypasses and discharges in accordance with its permit no later than 68 months after the effective date of this Order.

7. If the Department has any comments on any of the plans, reports, documents or schedules required to be submitted in paragraphs 6 and 9 of this Order, it will provide such comments in writing no later than 45 days from the Department's receipt of the plan. Respondent shall modify the plan to address Department comments and shall submit the modified plan within 45 days of receipt of Department comments.

8. Should any plant modifications be necessary to correct the issues identified during the plans, evaluations and assessments conducted pursuant to paragraph 6 of this Order, Respondent shall obtain a permit(s) from the Department prior to completing any plant modifications as required.

9. Semiannually after the effective date of this order, Respondent shall submit to the Department a report containing information concerning the status and progress of projects being completed under this Order, information as to compliance or noncompliance with the applicable requirements of this Order including construction requirements and effluent limitations, and any reasons for noncompliance. These

reports shall also include a projection of the work to be performed pursuant to this Order during the 12-month period following the report.

10. Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all corrective actions required by paragraph 6 within 18 months of the effective date of this Order and be in full compliance with Rule 62-620, F.A.C., regardless of any intervening events or alternative time frames imposed in this Order or Consent Decree case number 1:12-cv-24400-FAM, other than those excused delays agreed to by the Department, as described in paragraph 20 below.

11. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$90,000.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$89,000.00 for civil penalties and \$1,000.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalty in this case includes 19 violations that each warrant a penalty of \$2,000.00 or more.

12. If within 54 months of the effective date of this Order, the Facility continues to have effluent exceedances, Respondent agrees to pay the Department stipulated penalties in the amount of \$1,000.00 per parameter exceeded per discharge point (per day/per month/per year depending on the reporting requirement) after this date. Respondent also agrees to pay the Department stipulated penalties in the amount of \$1,000.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraphs 6 of this Order. Respondent shall pay stipulated penalties for unauthorized discharges as follows:

Amount/day /discharge	Discharge Volume
\$1,000.00	up to 5,000 gallons
\$2,000.00	5,001 to 10,000 gallons
\$5,000.00	10,001 to 25,000 gallons
\$10,000	25,001 to 100,000 gallons

\$15,000	100,001 to 500,000 gallons
----------	----------------------------

13. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment and shall do so as further described in paragraphs 14, below. Nothing in this paragraph shall prevent the Department from filing a suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this paragraph shall be in addition to the civil penalties agreed to in paragraph 11 of this Order. Further, the Department reserves the right to pursue a separate enforcement action for any discharge that is over 500,000 gallons and/or is reasonably expected to cause a substantial threat to human health or the environment.

14. Respondent shall make all payments required by this Order by cashier's check, money order or online payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order, 23-0898, and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order is final, effective and filed with the Clerk of the Department before the ability to make online payment is available.

15. In lieu of paying the full civil penalty amount of \$89,000.00, or any future stipulated penalties, the Department, at its discretion, may allow Respondent to offset this and any future amounts through implementation of a Pollution Prevention Project (P2 Project) as described in the attached Exhibit A, which must be approved by the Department. This amount is referred to as the "offset amount." P2 Project is a process improvement that reduces the amount of pollution that enters the environment; by conserving resource (including water, raw materials, chemicals, and energy) use, or by minimizing waste generation (including domestic and industrial wastewater, solid and

hazardous waste, and air emissions). A P2 Project must reduce pollution or waste within the process beyond what is required by Federal, state, or local law, to be eligible for civil penalty off-set under this Order. If Respondent chooses to implement a P2 Project, Respondent shall notify the Department of its election by certified mail within 15 days of the effective date of this Order. Within 30 days of the effective date of this Order, Respondent must pay a total of \$1,000.00 for costs and expenses incurred by the Department, during the investigation of this matter, and the preparation and tracking of this Order.

- a) If Respondent elects to implement a P2 Project as provided in Paragraph 15, Respondent shall submit a completed P2 Project Plan (Plan) within 60 days of the effective date of this Order. The Plan must be completed using Exhibit A, "P2 Project Plan" template.
- b) In the event the Department requires additional information to process the Plan described in Paragraph 15(a), Respondent shall provide a modified Plan containing the information requested by the Department within 30 days of the date of the request.
- c) If any balance remains after the entire P2 Project credit is applied to the allowable portion of the civil penalty or stipulated penalty, Respondent shall pay the difference within 30 calendar days of written notification by the Department to Respondent that the balance is due.

16. In lieu of paying the full civil penalty amount of \$89,000.00, or any future stipulated penalties, the Department, at its discretion, may allow Respondent to offset this and any future amounts through the implementation of an in-kind penalty project, as described in Exhibit B, which must be approved by the Department.

- a) An In-Kind Project must be either an environmental enhancement, environmental restoration or a capital/facility improvement project and may not be a corrective action requirement of the Order or otherwise required by law. The Department may also consider the

donation of environmentally sensitive land as an In-Kind Project. The value of the in-kind penalty project shall be one and a half times the civil penalty off-set amount, which in this case is the equivalent of at least \$133,500.00.

- b) If Respondent elects to implement an In-Kind Project, then the Respondent shall comply with all the requirements and time frames in Exhibit B entitled In-Kind Projects.

17. Notwithstanding the election to implement a P2 Project or In-Kind Project, payment of the remaining \$1,000.00 in costs must be paid within 30 calendar days of the effective date of the Consent Order. If Respondent does not elect to implement an in-kind or P2 Project within the timeframes specified above, the full balance of the civil penalty plus Department costs shall be due within 30 calendar days of the effective date of this Order.

18. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Henry Webster, Southeast District, Henry.Webster@FloridaDEP.gov, Department of Environmental Protection, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, Florida, 33406 and SED.Wastewater@dep.state.fl.us.

19. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

20. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a

contractor, subcontractor, materialman, or other agent (collectively referred to as “contractor”) to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department within the next semiannual report as referenced in paragraph 9. This notification shall include in writing (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent 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 Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

21. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for the violations described above up to the date of the filing of this Order. This waiver is conditioned upon Respondent’s complete compliance with all of the terms of this Order.

22. This Order is a settlement of the Department’s civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under

federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

23. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

24. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$15,000.00 per day per violation, and criminal penalties.

25. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.

26. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

27. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.

28. This Consent 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 Consent Order will not be effective until further order of the Department.

29. Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing

process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of the following information:

- a) The name and address of each agency affected and each agency's file or identification number, if known;
- b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- c) A statement of when and how the petitioner received notice of the agency decision;
- d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at Agency_Clerk@floridadep.gov, 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 at 3301 Gun Club Road, MSC 7210-1, West Palm Beach, Florida, 33406. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

30. Rules referenced in this Order are also available at:
<https://floridadep.gov/ogc/ogc/content/rules>.

FOR THE RESPONDENT:

Name

Print Title

Date

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this ____ day of _____, 2025, in Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Sirena Davila
District Director
Southeast District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk

Date

Copies furnished to:

MDC037

Lea Crandall, Agency Clerk
Mail Station 35

Lea.Crandall@dep.state.fl.us

Exhibit A

P2 Project Summary (Summary)

(Facility)

(Address)

(Telephone)

(Preparer Name/Title)

A. **Project Description:** (Summarize P2 Projects selected. Describe the processes or operations to be modified, and the specific changes to be made. Include details such as the specific equipment to be installed, materials to be substituted, and the actual changes to be made to processes or operations. Include manufacturer or vendor information, and specifications.)

B. **Environmental and Economic Benefits:** (Explain why and how each Project proposed constitutes P2 Project.

Specify how each material, chemical, water and energy is saved, and from which processes or operations. Specify how each solid and hazardous waste, industrial wastewater and air emissions is generated, the waste type, and from which processes or operations. **Describe generally in paragraph format.**

Estimate the *annual* savings in *resources* - raw materials, chemicals, water, and energy at the process or operation front end. Estimate the *annual* reductions in *wastes* - solid and hazardous waste, wastewater, and air emission reductions at the process or operation back end.

Figures quoted should represent weights or volumes annually, and should be equalized for production rate changes. Associated cost savings should be included. **Describe specifically using the tables provided.**

Complete the first table for each Project individually. Add or average corresponding figures from each Project table to complete the Summary table, *for multiple Projects.*)

<i>(Project Name)</i>							
Annual Resource Consumption Comparison							
Item	Quantity Used (gal/lb/kwh-specify)			Purchasing Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Water							
Chemicals							
Materials							
Energy							
Total Annual Cost Savings =							
Annual Waste Generation Comparison							
Item	Quantity Generated (gal/lb/tons-specify)			Disposal Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Hazardous Waste							
Industrial Wastewater							
Solid Waste							
Air Emissions							
Total Annual Cost Savings =							
Total Annual Avoided Cost Savings =							

<i>Summary of All P2 Projects</i>							
Annual Resource Consumption Comparison							
Item	Quantity Used (gal/lb/kwh-specify)			Purchasing Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Water							
Chemicals							
Materials							
Energy							
Total Annual Cost Savings =							
Annual Waste Generation Comparison							
Item	Quantity Generated (gal/lb/tons-specify)			Disposal Cost (\$)			Percent (%) Reduction
	Before	After	Reduction	Before	After	Reduction	
Hazardous Waste							
Industrial Wastewater							

Solid Waste							
Air Emissions							
Total Annual Cost Savings =							
Total Annual Avoided Cost Savings =							

C. **Project Cost:** (Include per Project the itemized, subtotal and Project total costs. A projected payback period in months or years needs to be included.

Provide a grand total cost for all Projects and an averaged projected payback period, *for multiple Projects. Use list or table format for all.*)

D. **Project Reporting:**

1. Within 30 days of completing the P2 Project, the Respondent shall submit to the Department a P2 Project Final Report that includes the following:

a. A confirmation that the information presented in Sections A-C of the Summary is unchanged, or an updated version with the sections changed appropriately. A statement that the Project(s) was/were implemented successfully. An explanation of any problems encountered and corrections applied. *A statement indicating the date the Project was started and also the date completed.*

b. Attached expense reports, receipts, purchasing instruments and other documents itemizing costs expended on preparing and implementing the Project.

2. The Department shall review the Final Report and determine:

a. Whether the project was properly implemented; and

b. Which expenses apply toward pollution prevention credits.

3. A \$1.00 pollution prevention credit for each \$1.00 spent on applicable costs will be applied against the portion of the civil penalty that can be offset.

a. The following costs *are applicable as P2 credits* toward the civil penalty offset amount:

i. Preparation of the P2 Project;

ii. Design of the P2 Project;

iii. Installation of equipment for the P2 Project;

iv. Construction of the P2 Project;

v. Testing of the P2 Project;

vi. Training of staff concerning the implementation of the P2 Project; and

vii. Capital equipment needed for the P2 Project.

b. The following costs *shall not apply as P2 credits* toward the civil penalty offset amount:

i. Costs incurred in conducting a waste audit;

- ii. Maintenance and operation costs involved in implementing the P2 Project;
- iii. Monitoring and reporting costs;
- iv. Salaries of employees who perform their job duties;
- v. Costs expended to bring the facility into compliance with current law, rules and regulations;
- vi. Costs associated with a P2 Project that is not implemented;
- vii. Costs associated with a P2 Project that has not been approved by the Department; and
- viii. Legal costs.

c. If any balance remains after the entire P2 credit is applied to the allowable portion of the civil penalty, Respondent shall pay the difference within 30 days of written notification by the Department to the Respondent that the balance is due.

E. Project Termination:

1. The Department may terminate the P2 Project at any time during the development or implementation of it, if the Respondent fails to comply with the requirements in this document, act in good faith in preparing and implementing the project, or develop and implement the P2 Project in a timely manner. The Respondent may terminate the P2 Project at any time during its development or implementation.

2. If the P2 Project is terminated for any reason, Respondent shall pay the full balance of the allowable portion of the civil penalty within 30 days of written demand by the Department.

Exhibit B
In-Kind Projects

Proposal

A. Within 60 days of the effective date of this Consent Order, or, of the Department's notification that applying stipulated penalties to an in-kind project is acceptable, Respondent shall submit, by certified mail, a detailed in-kind project proposal to the Department for evaluation. The proposal shall include a summary of benefits, proposed schedule for implementation and documentation of the estimated costs which are expected to be incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the in-kind project.

Proposal Certification Form

B. The proposal shall also include a Certification by notarized affidavit from a senior management official for Miami-Dade County who shall testify as follows:

My name is _____ (print or type name of senior management official) and do hereby testify under penalty of law that:

1. I am a person with management responsibilities for Miami-Dade County budget and finances. During the eighteen-month period prior to the effective date of Consent Order OGC Case No.: 23-0898 there has not been any transfer or use of funds obtained by the Miami-Dade County from the collection of sewer rates for any purpose not related to the management, operation, or maintenance of the Sewer System or to any capital improvement needs of the Sewer System.

2. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly submitting false information in this certification.

Sworn to and subscribed before me, by means of physical presence or online notarization, this ____ day of _____, 20__ by

Personally, known or by Production of the following Identification _____
Notary Public, State of Florida
Printed/typed or stamped name:

My Commission Expires:
Commission/Serial No.:

Annual Certification Form

My name is _____ (print or type name of senior management official)
and do hereby testify under penalty of law that:

1. I am a person with management responsibilities for Miami-Dade County budget and finances. During the twelve month period immediately preceding the notary date on this Certification, there has not been any transfer or use of funds obtained by the Miami-Dade County from the collection of sewer rates for any purpose not related to the management, operation, or maintenance of the Sewer System or to any capital improvement needs of the Sewer System.

2. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly submitting false information in this certification.

Sworn to and subscribed before me, by means of physical presence or online notarization, this ____ day of _____, 20__ by

Personally, known or by Production of the following Identification _____
Notary Public, State of Florida
Printed/typed or stamped name:
My Commission Expires:
Commission/Serial No.:

C. If the Department requests additional information or clarification due to a partially incomplete in-kind project proposal or requests modifications due to deficiencies with Department guidelines, Respondent shall submit, by certified mail, all requested additional information, clarification, and modifications within 15 days of receipts of written notice.

D. If upon review of the in-kind project proposal, the Department determines that the project cannot be accepted due to a substantially incomplete proposal or due to substantial deficiencies with minimum Department guidelines; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the proposal. Respondent shall correct and redress all the matters at issue and submit, by certified

mail, a new proposal within 30 days of receipt of written notice. In the event that the revised proposal is not approved by the Department, Respondent shall make cash payment of the civil penalties within 30 days of Department notice.

E. Within 120 days of the effective date of this Consent Order, Respondent shall obtain approval for an in-kind project from the Department. If an in-kind project proposal is not approved by the Department within 120 days of the effective date of this Consent Order, then Respondent shall make cash payment of the civil penalties within 30 days of Department notice.

F. Within 180 days of obtaining Department approval for the in-kind proposal or in accordance with the approved schedule submitted pursuant to paragraph 2(a) above, Respondent shall complete the entire in-kind project.

G. During the implementation of the in-kind project, Respondent shall place appropriate sign(s) at the project site indicating that Respondent's involvement with the project is the result of a Department enforcement action. Respondent may remove the sign(s) after the project has been completed. However, after the project has been completed Respondent shall not post any sign(s) at the site indicating that the reason for the project was anything other than a Department enforcement action.

H. In the event Respondent fails to timely submit any requested information to the Department, fails to complete implementation of the in-kind project or otherwise fails to comply with any provision of this paragraph, the in-kind penalty project option shall be forfeited, and the entire amount of civil penalties shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the \$89,000.00 penalty, no additional penalties shall be assessed for failure to complete the requirement of this paragraph.

I. Within 15 days of completing the in-kind project, Respondent shall notify the Department, by certified mail, of the project completion and request a verification letter from the Department. Respondent shall submit supporting information verifying that the project was completed in accordance with the approved proposal and documentation showing the actual costs incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the project.

J. If upon review of the notification of completion, the Department determines that the project cannot be accepted due to a substantially incomplete notification of completion or due to substantial deviations from the approved in-kind project; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the project. Respondent shall correct and redress all the matters at issue and submit, by certified mail, a new notification of completion within 15 days of receipt of the Department's notice. If upon review of the new submittal, the Department determines that the in-kind project is still incomplete or not in accordance with the approved proposal, the in-kind penalty project option shall be forfeited, and the entire amount of civil penalty shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the \$89,000.00, no additional penalties shall be assessed for failure to complete the requirements of this paragraph.



MEMORANDUM
(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: December 16, 2025

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(O)(2)

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**
- _____ **Statement of social equity required**
- _____ **Ordinance creating a new board requires detailed County Mayor’s report for public hearing**
- _____ **No committee review**
- _____ **Applicable legislation requires more than a majority vote (i.e., 2/3’s present ____, 2/3 membership ____, 3/5’s ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____)** 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(O)(2)
12-16-25

RESOLUTION NO. _____

RESOLUTION APPROVING AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CONSENT ORDERS OGC NOS. 23-0896 AND 23-0898 BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SETTling ALLEGED VIOLATIONS OF STATE ENVIRONMENTAL LAWS RELATING TO THE MIAMI-DADE WATER AND SEWER DEPARTMENT'S NORTH DISTRICT WASTEWATER TREATMENT PLANT (NDWWTP) AND SOUTH DISTRICT WASTEWATER TREATMENT PLANT (SDWWTP); AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, PURSUANT TO THE NDWWTP CONSENT ORDER, TO EITHER: (A) PAY A CIVIL PENALTY IN THE AMOUNT OF \$20,000.00 AND COSTS OF \$1,000.00, OR (B) PERFORM A POLLUTION PREVENTION PROJECT WITH A MINIMUM VALUE OF \$30,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, PURSUANT TO THE SDWWTP CONSENT ORDER, TO DEVELOP AND IMPLEMENT ANY PLANS REQUIRED BY THE CONSENT ORDER AND TO EITHER: (A) PAY A CIVIL PENALTY IN THE AMOUNT OF \$89,000.00 AND COSTS OF \$1,000.00, OR (B) PERFORM A POLLUTION PREVENTION PROJECT WITH A MINIMUM VALUE OF \$133,500.00

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 hereby approves, and authorizes the County Mayor or County Mayor's designee to execute, the Consent Orders between Miami-Dade County and the Florida Department of Environmental Protection for settlement of alleged violations of state environmental laws related to the Miami-Dade Water and Sewer Department's NDWWTP and SDWWTP, in substantially the forms attached to the

accompanying memorandum as Exhibits 1 and 2, respectively. In addition, the Board authorizes the County Mayor or County Mayor's designee, pursuant to the NDWWTP Consent Order, to either: (A) pay a civil penalty in the amount of \$20,000.00 and costs of \$1,000.00, or (B) perform a Pollution Prevention Project with a minimum value of \$30,000.00. The Board further authorizes the County Mayor or County Mayor's designee, pursuant to the SDWWTP Consent Order, to develop and implement any plans required by the Consent Order and to either: (A) pay a civil penalty in the amount of \$89,000.00 and costs of \$1,000.00, or (B) perform a Pollution Prevention project with a minimum value of \$133,500.00.

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:

Anthony Rodriguez, Chairman	
Kionne L. McGhee, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Sen. René García	Oliver G. Gilbert, III
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Vicki L. Lopez
Natalie Milian Orbis	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 16th day of December, 2025. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SED

Sarah E. Davis