APPENDIX A

Adequate Pumping, Transmission and Treatment Capacity Program Criteria

(A). Definitions. Whenever the terms set forth below are used in this Appendix, the following definitions shall apply:

(i). High Annual Monthly Average ("HAMA") shall mean the largest value within the last twelve (12) Months of the monthly daily average pump operating time for each Pump Station. Miami-Dade will be granted one exemption per twelve (12)-Month period for any monthly average exceeding the fifteen (15) hours per day if the high hours were caused by a maintenance problem that has been addressed and resolved.

(ii). Sewer Extension shall mean any sewer project that requires either a general or individual construction permit as defined by the current edition of Chapter 62-604 of the Florida Administrative Code.

(iii). Yearly Nominal Daily Average Pump Operating Time ("NAPOT") for each Pump Station shall be defined as the average of daily average pump operating time for all Months falling within the previous 365 days, divided by one less than the total number of pumps installed in that station. The pump hours shall be based on metered running time or derived from power used by station pump motors. As an alternative to the elapsed running time meters on the pumps in a Pump Station, the monthly average daily pump operating hours for Pump Stations with multi-speed and variable speed pumps may be determined based on the average power consumption of the pumps in the station over the previous reporting period. For multi-speed Pump Stations, the station shall be determined to have a monthly daily average pump operating time value of 10.00 hours per day if the power usage for the previous month was equal to forty-

six percent (46%) of the power that would be used by all of the station pumps but one running at full rated power for the reporting period. The actual monthly daily average pump operating time value will be determined on a linear proportional basis from the actual power used by the pumps during the previous month. For stations with variable speed pumps, the equivalent daily average pump operating time shall be determined based on the power used and the type of variable speed drive as follows:

(a). For Pump Stations driven by variable frequency drives, the equivalent 10.00 hours per day monthly daily average pump operating time shall be reached when the Pump Station uses in one Month forty-nine percent (49%) of the power used by all of the station pumps but one running at full rated power for the reporting period.

(b). For Pump Stations driven by magnetic variable speed drives, the equivalent 10.00 hours per day monthly daily average pump operating time shall be reached when the Pump Station uses in one Month sixty-five percent (65%) of the power used by all of the station pumps but one running at full rated power for the reporting period.

(c). For Pump Stations driven by resistor bank variable speed drives, the equivalent 10.00 hours per day monthly daily average pump operating time shall be reached when the Pump Station uses in one Month sixty-one percent (61%) of the power used by all of the station pumps but one running at full rated power for the reporting period.

(iv). Yearly Projected Nominal Daily Average Pump Station Operating Time ("Projected NAPOT") shall be defined as the Yearly Nominal Daily Average Pump Operating Time plus the calculated additional operating hours expected as a result of all anticipated sewage flow resulting from all previously authorized additional sewer flows.

(B). Additional Sewer Flows Authorization. Miami Dade shall authorize only those additional sewer flows in accordance with the Code of Miami-Dade, as amended, and as provided for below:

(i). No Miami-Dade or municipal officer, agent, employee, or board shall approve, grant or issue any building permit, certificate of use and occupancy (except for changes in ownership) or Local Business Tax Receipt (LBTR), municipal occupational license (except for changes in ownership) for any land use served or to be served by a publicly or privately owned or operated sanitary sewer collection system prior to obtaining a sanitary sewer certification of adequate capacity. A sanitary sewer certification of adequate capacity shall be issued after demonstrating that the receiving collection and transmission system, and the treatment plant(s), have adequate capacity, as defined herein, to handle the additional flow. The sanitary sewer certification of adequate capacity is subject to the following conditions:

(a). When associated with a building permit or other permit that authorizes construction (herein collectively "a construction permit"):

(1). A sanitary sewer certification of adequate capacity obtained prior to an application (including applicable forms and plans) for a construction permit being submitted shall expire and be null and void and be of no further force and effect unless an application for a construction permit is submitted and a process number obtained from the building department or permit issuing department within ninety (90) days from the date of the sanitary sewer certification of adequate capacity is issued. If an application for building permit is submitted, the sanitary sewer certification of adequate capacity shall thereafter expire in accordance with subparagraphs (B)(i)(a)(2) and (3) below.

(2). A sanitary sewer certification of adequate capacity obtained subsequent to an application (including applicable forms and plans) for a construction permit being submitted shall expire and be null and void and be of no further force and effect when the application for the construction permit expires.

(3). When a construction permit is issued with a sanitary sewer certification of adequate capacity, the sanitary sewer certification of adequate capacity shall expire and be null and void and be of no further force and effect within one hundred-fifty (150) days of the construction permit expiration unless said permit is renewed or replaced.

In all other events, the sanitary sewer certification of adequate capacity shall expire after one hundred-eighty (180) days or upon the issuance of the certificate of use or certificate of occupancy or other use authorization.

(C). Adequate Treatment Capacity Criteria. Adequate treatment capacity shall be demonstrated by Miami-Dade's certification that the WWTP that will receive flow from newly authorized additional sewer flow will not be in “non-compliance” as defined in 40 C.F.R. Part 123.45, App. A, at the time the WWTP receives the flow from the newly authorized additional sewer flow.

(D). Adequate Transmission Capacity Criteria. Adequate transmission capacity shall mean that each Pump Station receiving the additional sewer flow, and all Pump Stations through which such sewage flow is transmitted to the WWTP receiving the flow, is operating with a Projected NAPOT equal to or less than ten (10) hours per day. If the above condition is not met by a booster type station, the station will be considered to have adequate transmission capacity if so determined by a peak capacity study conducted by Miami-Dade that takes into consideration

adjacent Pump Stations and downstream force mains. Transmission capacity certifications authorizing additional sewer flows shall be issued according to the following criteria:

(i). For projects with an existing connection to sewers or connecting to an existing collection system and therefore not requiring a sewer extension permit in the public right of way:

(a). If there is adequate transmission capacity, as defined in subparagraph (A)(iii) above, for all Pump Stations through which sewage flow from the sewer service connection is transmitted to the wastewater treatment facility receiving such sewage flow, certification can be granted without restrictions, or

(b). If adequate transmission capacity does not exist, as defined in subparagraph (A)(iii) above, unrestricted certification can be granted only if all of the following conditions are met for all Pump Stations through which sewage flow from the sewer service connection is transmitted to the wastewater treatment facility receiving such sewage flow:

(1). The proposed flows will cause an increase equal to or less than 0.5 hours per day to the Projected NAPOT and,

(2). after including the additional proposed flows, the Projected NAPOT will be equal to or less than twelve (12) hours per day and,

(3). the additional proposed flows are less than 10,000 GPD and,

(4). the Pump Station is not out of compliance due to sanitary sewer overflows.

(ii). For projects requiring a sewer extension in the public right-of-way within an existing Pump Station basin:

(a). If adequate transmission capacity exists at the Pump Station and all Pump Stations through which sewage flow from the sewer service connection is transmitted to the WWTP receiving such sewage flow, certification can be granted without restrictions only if:

(1). the new project Average Daily Flow is equal to or less than 1,000 GPD or,

(2). the HAMA for all Pump Stations through which sewage flow from the sewer service connection is transmitted to the WWTP receiving such sewage flow is equal to or less than fifteen (15) hours per day or,

(3). the HAMA for any Pump Stations through which sewage flow from the sewer service connection is transmitted to the WWTP receiving such sewage flow is greater than fifteen (15) hours per day but a peak capacity study conducted by Miami Dade, that takes into consideration adjacent Pump Stations and downstream force mains, has determined that the new flows can be accommodated without any upgrades to the system and no sanitary sewer overflows have occurred in the station's basin within the previous twelve (12) months;

(b). If adequate transmission capacity exists but the HAMA is greater than fifteen (15) hours per day for any Pump Stations through which sewage flow from the sewer service connection is transmitted to the WWTP receiving such sewage flow and a peak capacity study conducted by Miami Dade, that takes into consideration adjacent Pump Stations and downstream force mains, has determined that the new flows can only be accommodated after the system has been upgraded and/or one or more sanitary sewer overflows of 1,000 gallons or more have occurred in last twelve (12) months, certifications will be conditioned to:

(1). Completion of the required upgrade and/or

(2). implementation of measures to prevent the reoccurrence of sanitary sewer overflows.

(iii). For projects requiring a new collection system, Pump Station and Force Main, a peak capacity study conducted by Miami Dade, that takes into consideration adjacent Pump Stations and downstream force mains, will determine under what conditions the new system is allowed to connect to the Miami-Dade's transmission system.

(E). SSO Criteria. Notwithstanding Miami-Dade's ability to demonstrate capacity in accordance with the terms and conditions of paragraphs (C) and (D) above, Miami-Dade shall not authorize any additional sewer flows to the collection system if:

(i). SSOs have occurred in the receiving Pump Station's basin or in a Force Main that is required to receive the flow from the Pump Station that fall under the following criteria:

(a). There is a reported SSO of 1,000 gallons or more, or a reported SSO that reaches surface water, in the station's collection basin caused by a lack of capacity in the collection piping or the Pump Station, until the capacity of the system is changed to prevent a future overflow.

(b). There are two or more reported SSOs of 1,000 gallons or more each, or two or more reported SSOs that reach surface water, within the last twelve (12) Months caused by blockages in the collection piping for the Pump Station, until a remedial plan directed at preventing the reoccurrence of these overflows has been implemented. Notwithstanding the foregoing, additional sewer flows may be allowed if the receiving portion of the collection system is not located upstream from those areas of the collection system that have experienced five (5) or more SSOs due to blockages within the previous twelve (12) Months.

(c). There are two or more SSOs of 1,000 gallons or more each, or two or more reported SSOs that reach surface water, within the last twelve (12) Months in a force Main required to receive the flow from the Pump Station due to failure of the Force Main pipe, until a remedial plan directed at preventing the reoccurrence of these overflows has been implemented. SSOs caused by contractor activities will not be considered for this item.

(ii). The newly authorized sewer service connection may reasonably be expected to cause Miami-Dade to violate the effluent limitations in the NPDES permit for the WWTP that will receive the flow from the newly authorized sewer service connection; or

(iii). The WWTP that will receive flow from the newly authorized sewer service connection is in "non-compliance" as defined in 40 C.F.R. Part 123.45, App. A.

(F). Adequate Transmission and Treatment Capacity Certification Report. Miami-Dade shall certify on a monthly schedule that adequate transmission and treatment capacity exists until the termination of this Consent Decree. Miami-Dade shall certify that adequate transmission and treatment capacity exists (as defined in this Appendix) to receive flow for each newly authorized sewer service connection, and shall prepare on a monthly basis in an electronic file a summary report which identifies each newly authorized certification of available capacity, and which shall include, at a minimum, the following information:

(i). The date of approval of the newly authorized certification of available capacity.

(ii). The address and the precise point of discharge to the collection system of the newly authorized certification of available capacity.

(iii). The estimated volume of wastewater projected to be discharged from the newly authorized certification of available capacity.

(iv). The estimated date of issuance of a certificate of occupancy;

(v). The actual date of the issuance of the certificate of occupancy;

(vi). The identity and location of the Pump Station immediately downstream from the newly authorized certification of available capacity.

(vii). The description of the source or use (*e.g.*, restaurant, dwelling unit) for the newly authorized certification of available capacity.

(viii). Whether the issuance of a building permit was dependent on a collection system improvement.

(G). Pump Station Operating Time Report. Miami Dade shall certify on a monthly basis, the following information as to each of the collection system Pump Stations:

(i). Pump Station number.

(ii). Pump Station location.

(iii). NAPOT for the previous 365 days.

(iv). Projected NAPOT based upon accumulated authorized flows.

(v). HAMA for the previous 365 days.

(H). Remedial Action Plan Requirement. Where the certification required by paragraph (G) above indicates that Miami Dade's Pump Station(s)' NAPOT (actual or projected) exceeds the capacity criteria set forth in paragraphs (C), (D) and (E) above:

(i). Miami-Dade shall prepare, within thirty (30) days of the certification required by paragraph (G) above, a remedial action plan that sets forth a program that will ensure adequate transmission capacity, and provide a schedule for completion of that program.

(ii). When a Pump Station has been reported as having inadequate capacity, and a remedial action plan has been provided, conditional flow allocations may be made to the Pump

Station with the condition that no certificate of occupancy or use may be issued for the facility until Miami Dade or the VSC has certified that the proposed remedial action plan has been completed.

(iii). When a remedial action plan for a Pump Station has been certified as complete by Miami-Dade or the VSC, the Pump Station will be monitored for one (1) year. If, during this period, the most recent monthly report of station operating hours is less than ten (10) hours per day, the station will be listed as having adequate capacity. If, during this period, the most recent monthly report of station operating hours is greater than ten (10) hours per day, the station will be listed as not having adequate capacity. If it is shown at the end of this period that the remedial action plan has not provided a remedy to the condition causing the station to be listed as having inadequate capacity, the station will again be listed as having inadequate capacity. In this event, no additional sewer flows shall be authorized, and no building permit(s) shall be issued, until adequate treatment and transmission capacity can be demonstrated as specified in paragraphs (C), (D) and (E) above. Pump Stations or portions of a collection system that are out of compliance due to SSOs will also be monitored for one (1) year after completion of a remedial action plan. If within this period, the station experiences one (1) SSO of 1,000 gallons or more, or that reaches surface water, the station will again be listed as having inadequate capacity. In this event, no additional sewer flows shall be authorized, and no building permit(s) shall be issued, until adequate treatment and transmission capacity can be demonstrated as specified in paragraphs (C), (D) and (E) above.

(I). Exemption. Notwithstanding the terms and conditions of paragraphs (B), (C), (D) and (E) above, Miami-Dade may authorize new additional sewer flows without the required certifications of adequate treatment and transmission capacity in those cases where a pollution or

sanitary nuisance condition exists as the result of the discharge of untreated wastewater from an on-site septic tank. Miami-Dade shall authorize such connections only after:

(i). Miami Dade has verified and documented the existence of the pollution or sanitary nuisance condition; and

(ii). Miami Dade has documented the nature of the nuisance condition, and the address and the precise point of the discharge to the collection system.