

Memorandum



Date: March 4, 2025

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

Agenda Item No. 8(O)(2)

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Resolution No. R-240-25

Subject: Resolution Authorizing the Execution of a Consent Order for the Miami-Dade Water and Sewer Department Central District Wastewater Treatment Plant

EXECUTIVE SUMMARY

This item seeks approval from the Board of County Commissioners (the "Board") to authorize the execution of Consent Order OGC No. 22-1805 (the "Consent Order") between Miami-Dade County (the "County") and the State of Florida Department of Environmental Protection ("FDEP") for the Miami-Dade Water and Sewer Department's ("WASD") Central District Wastewater Treatment Plant ("CDWWTP") and its associated service area. The Consent Order includes the development and implementation of three plans: 1) infiltration and inflow plan, 2) effluent compliance plan, and 3) a spill prevention plan. Additionally, a settlement of \$123,601.00 for regulatory matters dating from May 2014 through July 2022 are addressed within the Consent Order. The Consent Order also sets a stipulated penalties amount of \$1000.00 per exceedance for future violations. In lieu of paying the civil penalty amount, or any future stipulated penalties, the County may elect to implement a Pollution Prevention (P2) or an in-kind penalty project. The Consent Order OGC No. 22-1805 is attached hereto as Exhibit 1.

WASD is committed to protecting our clean water to safeguard public health and the environment. The County has been under a Consent Order since the early 1990's and the department is well positioned to complete the current Consent Decree (CD) projects by the deadline of 2028.

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 resource. FDEP believes that the current CD, while comprehensive, did not address regulatory measures for Volume Sewer Customers, exceedances of heavy metals, and sanitary sewer overflows. Therefore, the proposed language has a hyper focus on reducing flows from inflow (storm or surface water that enters sewer pipes from illicit connections, such as roof or foundation drains, or other direct sources such as open manhole covers or cleanout caps) and infiltration (groundwater that seeps into the sanitary sewer system through cracks or leaks in sewer pipes), a more robust maintenance program to address exceedances, and a compliance plan to ensure current and future capacity.

The County believes this Consent Order to be positive for our sanitary sewer system as it provides additional enforcement power to prevent inflow from illegal connections and enables the County to implement measures to reduce rain related peak flow from Volume Sewer Customers, including definition of an acceptable peaking factor and potential surcharges for excessive peak flows.

This Consent Order is for the CDWWTP and its respective service area, but it is likely that, in the near future, FDEP will require a Consent Order for the County's other two wastewater treatment plants.

RECOMMENDATION

It is recommended that the Board authorize the execution of the Consent Order 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 CDWWTP and within its service area.

SCOPE

The CDWWTP is located at 3989 Rickenbacker Causeway, Miami, Florida 33160 in Commission District 7, which is represented by Commissioner Raquel A. Regalado.

The improvements required under the Consent Order also fall within the CDWWTP's service area, which includes Commission Districts 3, 5, 6, 7, and 10, which are represented by Commissioner Keon Hardemon, Commissioner Eileen Higgins, Commissioner Kevin Cabrera, Commissioner Regalado, and Chairman Anthony Rodriguez, respectively.

Delegation of Authority

Upon approval of this item, the County Mayor or County Mayor's designee shall have the authority to execute the Consent Order 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 in the amount of \$123,601.00 or, (2) in lieu of paying such penalties, carry out a Pollution Prevention ("P2") or in-kind project approved by FDEP.

FISCAL IMPACT / FUNDING SOURCE:

The fiscal impact to the County includes: (1) \$1,000.00 to FDEP for costs and expenses incurred during the investigation of the matter and for the preparation and tracking of this Consent Order; and (2) \$122,601.00 in civil penalties or the implementation of a P2 or in-kind project in lieu of paying such civil penalties. In addition, to the extent there are future exceedance violations at the CDWWTP, the County would potentially be subject to a stipulated penalty of \$1,000.00 per parameter exceeded per discharge point.

The funding source will be a combination of WASD's Sewer Renewal and Replacement Fund and Operating Revenues.

TRACK RECORD/MONITOR:

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

BACKGROUND:

Since December 6, 2013, the County has been under a Consent Decree entered into with the State of Florida, FDEP and Environmental Protection Agency ("EPA"), which included 29 capital improvement projects at the CDWWTP. The CDWWTP is on track to meet the compliance date of 2028 for these improvements. In addition, the CDWWTP 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 by December 31, 2025.

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

Additionally, the CDWWTP's service area contains Volume Sewer Customers that own and operate their own wastewater collection and transmission systems and discharge into the WASD's wastewater collection and transmission system ("WCTS"). Currently, WASD has no mechanism or ability to control the peak flow entering its system, which has led to additional hardship and challenges regarding its capacity. Within the County's WCTS, WASD has performed sanitary sewer evaluation surveys ("SSES") and infiltration and inflow ("I&I") rehabilitation programs to reduce I&I into the system, including inspection and repair throughout the two largest and oldest basins in the service area as well as implementation of the Volume Sewer Customer Ordinance Program, Wellfield Protection Ordinance, and Gravity Sewer System Operations and Maintenance Program.

Since 2020, with the new administration, WASD has taken momentous steps to safeguard the overall well-being of the environment and public health in Miami-Dade County through investments at the Central District WWTP as well as throughout its WCTS and other infrastructure systems. Under the new leadership, WASD has accelerated essential capital water and sewer infrastructure projects and has invested approximately \$2.2 billion in crucial Water and Sewer upgrades, completing 950 projects through fiscal 2024.

This Consent Order is the result of a collaborative effort between WASD and FDEP to address compliance issues at the CDWWTP and within its service area. The County has been engaged with FDEP to develop a framework for resolving compliance concerns related to unauthorized discharges, many of which occurred during significant rain events that overwhelmed system capacities. Throughout this period, FDEP also invested significant time and resources reviewing historical utility records from municipalities in Florida to identify areas requiring improvement.

The Consent Order includes five main components aimed at addressing compliance issues comprehensively. First, the County is required to develop and implement an Inflow and Infiltration Plan ("I&I Plan") to address issues that contribute to excessive flows during wet weather events. This plan involves identifying and repairing sources of I&I within the collection system to improve capacity and reduce peak flows. This plan will also include measures for the County to reduce rain-related peak flows from Volume Sewer Customers, including defining acceptable peaking factors and outlining consequences for excessive peaking factors. Additionally, the County must identify and eliminate inflow from illegal connections to the sanitary sewer system and other potential sources. The I&I Plan must be submitted to FDEP within 300 days of executing the Order, with full implementation required within 46 months of the Order's effective date, and progress reports provided annually.

Second, the County must develop an Effluent Compliance Plan, which will mandate the development of plant design modifications, process improvements, and planning measures to meet effluent quality standards. This plan ensures that the CDWWTP can consistently comply with regulatory standards for discharged treated effluent. WASD has already initiated several of these measures, including conducting system assessments to identify priority areas for mitigation. The Effluent Compliance Plan must be submitted within 240 days of the Order's effective date, with quarterly updates provided thereafter and full compliance achieved within 68 months.

Third, the County must develop a Spill Prevention Plan, which will require the County to outline and implement measures to eliminate unauthorized discharges and sanitary sewer overflows at the CDWWTP. This component focuses on proactive strategies to minimize impacts and prevent future compliance issues. The County is required to submit this plan within 180 days of the Order's effective date and provide annual reviews of its effectiveness.

Fourth, the Consent Order stipulates payment of civil penalties for past violations, and as alternatives to payment, allows the County to complete a P2 Project or an in-kind project. The County intends to pursue a P2 Project or an In-Kind Project as an alternative to civil penalties. These projects would align with the County's broader goals of environmental sustainability and resource conservation and must be reviewed and approved by FDEP.

Fifth, the Consent Order outlines stipulated penalties for any new exceedances, if deadlines are missed, and if compliance measures are not achieved within the agreed-upon timeframes.

The Consent Order represents a significant step forward in addressing compliance challenges. As such, WASD respectfully requests approval of the resolution to authorize the execution of the Consent Order and the timely commencement of its required actions.

Attachments

A handwritten signature in black ink, reading "Roy Coley", written over a horizontal line.

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

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

December 26, 2024

Mr. Roy Coley, Director
Miami-Dade Water and Sewer Department Central District WWTF
3989 Rickenbacker Causeway
Miami, FL 33149
Roy.Coley@miamidade.gov

Re: Miami-Dade Water and Sewer Department Central District WWTF
DW Facility ID #FL0024805
Miami-Dade County
OGC Case #22-1805

Dear Mr. Coley:

Enclosed is a Consent Order ("Order") prepared by the Department for resolution of the above referenced enforcement case. Please return a signed copy of this document by March 30th, 2024. All pages within the Order should be included with your returned signed copy. Once fully executed, a copy of the final document will be forwarded to you.

Should you have any questions, please contact Guy Cappello at 561-681-6734 or via e-mail at Guy.Cappello@FloridaDEP.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sirena Davila".

Sirena Davila, Director
Southeast District
Florida Department of Environmental Protection

Enclosure: Consent Order

cc: Guy Capello, Lisa Self, Jonathan Odjo, Viviana Useche, Sirena Davila - FDEP
Robert Fergen, Treatment & Maintenance Robert.Fergen@miamidade.gov
Cynthia Doyon, Permitting & Compliance Cynthia.Doyon@miamidade.gov
Sandra Hernandez, Chief Operator Sandra.Hernandez@miamidade.gov
Phillip Torres, Engineer Phillip.Torres@miamidade.gov

STATE OF FLORIDA DEPARTMENT	)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION	)	SOUTHEAST DISTRICT
	)	
v.	)	OGC FILE NO. 22-1805
	)	
MIAMI-DADE COUNTY	)	
_____	)	

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.

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.

3. Respondent is the owner of and is responsible for the operation of the Miami-Dade Water and Sewer Department's Central District wastewater treatment plant, a 143.0 million gallons per day facility treating domestic wastewater and discharging to Class III Marine waters in the Atlantic Ocean and two Class I industrial underground injection wells (Facility). The Facility is operated under Wastewater Permit No. FL0024805 (Permit), which was issued on May 21, 2021, and will expire on December 31, 2025. The Facility is located at 3989 Rickenbacker Causeway, Miami, FL 33149, in Miami-Dade County, Florida (Property). Respondent owns the Property on which the Facility is located.

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 included 29 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 inspection and repair throughout the two largest and oldest basins in the service area, as well as implementation of the Volume Sewer Customer Ordinance Program, Wellfield Protection Ordinance, and Gravity Sewer System Operations and Maintenance Program.

5. The Department finds that the following violations occurred:

a) From November 5, 2020 through November 20, 2022, the Facility had the following six unauthorized discharges of wastewater at the wastewater treatment plant, in violation of Rule 62-620.300(5), F.A.C.:

SWO #	Incident Date	Volume (gal)	Recovered Volume (gal)	Untreated/Treated	Surface Water
2020-6114	11/5/2020	976	950	Untreated	No
2022-851	2/11/2022	8,500	6,000	Untreated	No
2022-3994	6/4/2022	7,650,000	6,900,000	Untreated	Atlantic Ocean
2022-7601	9/27/2022	165,000	163,000	Untreated	No
2022-8479	10/13/2022	10,000	9,500	Untreated	No
2022-9587	11/20/2022	228,225	195,000	Untreated	Atlantic Ocean

- b) The Facility had 163 effluent exceedances from May 2014 through July 2022, in violation of Rule 62-620.300(5), F.A.C. The 24 effluent exceedances for which the Department is seeking penalties are described below:

Monitoring Group	Month Ending	Mon. Location	Parameter	Result	Limit	Units	Stat. Base
D-001	6/30/22	EFF-01	BOD, Carbonaceous 5 day, 20C	78.3	60.0	mg/L	Maximum
U-001	6/30/22	EFF-05	BOD, Carbonaceous 5 day, 20C	118	60.0	mg/L	Maximum
D-001	4/30/22	EFF-01	Chlorine, Total Residual	5	0.01	mg/L	Maximum
D-001	6/30/22	EFF-01	Coliform, Fecal	2000	800.0	#/100mL	Maximum
D-001	6/30/22	EFF-01	Solids, Total Suspended	165.7	60.0	mg/L	Maximum
U-001	6/30/22	EFF-05	Solids, Total Suspended	140	60.0	mg/L	Maximum
D-001	7/31/21	EFF-01	Chlorine, Total Residual	5	3.25	mg/L	Maximum
D-001	6/30/21	EFF-01	Coliform, Fecal	4300	800.0	#/100mL	Maximum
D-001	2/28/21	EFF-01	Solids, Total Suspended	130	60.0	mg/L	Maximum
U-001	2/28/21	EFF-05	Solids, Total Suspended	146	60.0	mg/L	Maximum
D-001	11/30/20	EFF-01	Solids, Total Suspended	150	60.0	mg/L	Maximum

U-001	11/30/20	EFF-05	Solids, Total Suspended	118	60.0	mg/L	Maximum
D-001	5/31/20	EFF-01	Chlorine, Total Residual	0	0.5	mg/L	Minimum
D-001	3/31/20	EFF-01	BOD, Carbonaceous 5 day, 20C	25.4	25.0	mg/L	Monthly Average
U-001	3/31/20	EFF-05	BOD, Carbonaceous 5 day, 20C	83.5	60.0	mg/L	Maximum
D-001	6/30/19	EFF-01	Chlorine, Total Residual	4.7	0.01	mg/L	Maximum
D-001	2/28/19	EFF-01	pH	5.9	6.0	s.u.	Minimum
D-001	9/30/18	EFF-01	Chlorine, Total Residual	0	0.5	mg/L	Minimum
D-001	11/30/17	EFF-01	Solids, Total Suspended	78.6	60.0	mg/L	Maximum
D-001	7/31/17	EFF-01	Coliform, Fecal	2600	800.0	#/100mL	Maximum
D-001	10/31/16	EFF-01	Chlorine, Total Residual	0.4	0.5	mg/L	Minimum
D-001	9/30/15	EFF-01	Solids, Total Suspended	62.5	60.0	mg/L	Maximum
D-001	6/30/15	EFF-01	Chlorine, Total Residual	0.1	0.5	mg/L	Minimum
D-001	6/30/14	EFF-01	Solids, Total Suspended	112	60.0	mg/L	Maximum

- c) The facility failed to conduct adequate maintenance and improvement of the wastewater treatment plant, in violation of Rule 62-600.410 F.A.C., which led to a significant accumulation of trash within the treatment train.

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 and schedule (hereinafter, I&I Plan) to reduce inflow and infiltration (I&I) into the collection system to maintain wastewater flows at rates within the constraints of the treatment plant, that is, the volume that can be reliably delivered to, accepted by, and treated to meet permit limits.
 - 1) Within 300 days of the effective date of this Order, Respondent shall submit the I&I Plan to the Department.
 - 2) The I&I Plan shall reduce flow so that no WASD sanitary sewer basin shall exceed a maximum I&I flow rate of 4,600 gpd/ idm (gallons-per-day/ inch*diameter*miles) during dry weather. This was determined by the Miami-Dade Water and Sewer Department to be the maximum flow without exceeding the Facility's permitted capacity.
 - 3) The I&I plan shall also address I&I during wet weather. The Respondent shall hire a professional engineer, registered in the state of Florida, to evaluate its entire system to determine its maximum flow rate during wet weather so that the Facility and its collection system function in compliance with its permit, and applicable Department rules and regulations. The I&I Plan shall reduce flow so that the collection of WASD sanitary sewer basins that transmit wastewater to the Facility do not exceed the maximum flow rate determined by the professional engineer. Wet weather is the minimum rainfall that creates ponding and/or stormwater runoff.

- a. Within 180 days of the effective date of this Order, Respondent shall provide the Department with a report prepared and submitted under seal by a professional engineer registered in the state of Florida detailing the findings of the evaluation required in sub-paragraph 6(a)(3) of this Order.
 - b. Upon Department acceptance of the submitted evaluation, the wet weather maximum flow rate shall be made an enforceable part of this Consent Order.
- 4) The I&I Plan shall provide a schedule with corrective actions and completion dates that include but are not limited to the following:
 - a. damaged manholes and other points of stormwater entry,
 - b. unsealed manhole covers that are submerged by stormwater,
 - c. public behaviors such as removing cleanout caps or manhole lids,
 - d. structures or equipment that allow substantial I&I, such as broken lateral lines or pump stations subject to flooding,
 - e. measures for the County to implement to reduce rain related peak flow from Volume Sewer Customers, including definition of acceptable peaking factor and subsequent consequences for excessive peaking factors,
 - f. measures for the Volume Sewer Customers to implement to reduce rain related peak flow including submittal of a Peak Flow Management Plan, and
 - g. measures to reduce inflow from illegal connections to the sanitary sewer system and other potential sources.
- 5) The final completion date for the I&I Plan schedule shall be no later than 46 months after the effective date of this Consent Order.
- 6) Within one year of completing the I&I Plan, Respondent shall submit to the Department an I&I Plan Completion Report, summarizing improvements

made and the amount of I&I reduction achieved, based on actual measurements of flows during dry and wet weather periods.

b) Respondent shall prepare and follow a plan (hereinafter, Effluent 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 in its permit.

1) Within 240 days of the effective date of this Order, Respondent shall submit the Effluent Compliance Plan to the Department.

2) The Effluent Compliance Plan shall include but not be limited to:

- a. An assessment of process controls
- b. An evaluation of plant capacity
- c. Updates to operator training
- d. An evaluation of the impact inflow and infiltration (I&I) has on effluent quality and a determination of whether a further reduction in flow than what is required in sub-paragraph 6(a) above is needed for wet weather and dry weather.
- e. 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 6(f) of this Order.

3) Within 180 days of the effective date of this Order, a report prepared and submitted under seal by a professional engineer registered in the state of Florida shall be submitted to the Department detailing the findings of the evaluation required in sub-paragraph 6(b)(2)e of this Order along with recommendations for plant design modifications, process or scheduling

improvements and any other necessary measures to remedy any contributing cause(s) of non-compliance.

- 4) The completion date of the Effluent 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.
- c) If collection system flow rates need to be decreased further than what is outlined in sub-paragraph 6a of this Order to meet permitted effluent quality standards, then the Respondent shall update the I&I flow rate limits in the I&I Plan required in sub-paragraph 6a to reflect the maximum flow allowed in order to meet these standards and re-submit to the Department within 30 days of revision. Any updates to the I&I Plan will be made an enforceable part of this Order.
- d) If during the evaluations/assessments conducted as part of the Effluent Compliance Plan, it is found that the facility can treat a different amount than what is permitted, then within 90 days of submitting the I&I Plan to the Department, Respondent shall submit a capacity analysis report and apply for a wastewater permit revision to reflect the appropriate capacity of the Facility.
- e) 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 no later than 68 months after the effective date of this Order.
- f) Within 180 days of the effective date of this Order, Respondent shall submit to the Department a plan and schedule that outlines measures to be taken by the Facility to eliminate unauthorized discharges/SSOs at the Central District Wastewater Treatment Plant (hereinafter, Spill Prevention Plan).
 - 1) The Spill Prevention Plan shall include but not be limited to the following:
 - a. Condition Assessment
 - b. Maintenance Programs

c. Efforts being taken or to be taken to prevent excessive flows from causing unauthorized discharges.

d. Necessary plant and process modifications to prevent unauthorized discharges due to equipment failures, insufficient operational capacity, or any other inadequacies within the treatment process.

e. Operator Training

f. As referenced in sub-paragraph 6(b)(2)e, 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 unauthorized discharges at the wastewater treatment plant.

2) The Spill Prevention Plan shall also address the findings from the evaluation required in sub paragraph 6(b) of this Order.

3) Following the execution of the CO the Respondent shall assess the Spill Prevention Plan on an annual basis, and update it as needed. Upon performing this annual assessment and revision, the Respondent must then provide the updated version of the Spill Prevention Plan to the Department.

7. If the Department has any comments on any of the plans, reports, documents or schedules required to be submitted in paragraph 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 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 68 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 \$123,601.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$122,601.00 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 31 violations that each warrant a penalty of \$2,000.00 or more. Six of these violations are related to unauthorized discharges and 24 are related to effluent exceedances.

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. Additionally, Respondent shall pay the Department stipulated penalties for any discharges of wastewater from the Facility from June 5, 2022 through the effective date 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 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 \$122,601.00 ,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 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 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 \$122,601.00 ,or any future stipulated penalties, the Department, at its discretion, may allow Respondent to offset this and any future amounts through the implementation 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 \$183,901.50.
- 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 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 and 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 Guy Cappello, Southeast District, Guy.Cappello@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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. Rules referenced in this Order are available at
<http://www.dep.state.fl.us/legal/Rules/rulelist.htm>.

FOR THE RESPONDENT:

Print Name

Print Title

Date

DONE AND ORDERED this # day of Month, Year, in Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Sirena Davila
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:
Lea Crandall, Agency Clerk
Mail Station 35

Lea.Crandall@dep.state.fl.us

Exhibit A

P2 Project Plan (Plan)

(Note: Provide the information specified and delete existing text within parentheses)

(Facility Name)

(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 are 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 per Project individually. Add or average corresponding figures from each Project table to complete the Plan 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. **Implementation Schedule:** (Provide a brief discussion of the steps necessary to implement the Projects and expected time frames for completion. A table or list format is preferred. The schedule shall include a list of milestones with dates, or timeframes based on Plan approval date, including Progress and Final Report submittals. Provide a description of any anticipated problems and options. *The implementation should take no longer than six months to complete.*)

E. **Project Reporting:**

1. Within 90 days of approval of the Project Plan, the Respondent shall submit a P2 Project Progress Report to the Department that describes the Respondent's progress in implementing the P2 Project and meeting the requirements in the Plan, and includes a list of equipment ordered, purchased, and/or installed.

2. Within 180 days of approval of the Plan, 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.

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

3. 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.

4. 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 allowable to offset the allowable amount of the civil penalty:

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 toward P2 credit:

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.

5. 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.

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.: 22-1805 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 \$ 122,601.00 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 \$ 122,601.00, 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: March 4, 2025

FROM: 
Glen 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 *Danielle Levine Carr* Mayor
Veto _____
Override _____

Agenda Item No. 8(O)(2)
3-4-25

RESOLUTION NO. R-240-25

RESOLUTION APPROVING AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CONSENT ORDER OGC NO. 22-1805 BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SETTTLING ALLEGED VIOLATIONS OF STATE ENVIRONMENTAL LAWS RELATING TO THE MIAMI-DADE WATER AND SEWER DEPARTMENT'S CENTRAL DISTRICT WASTEWATER TREATMENT PLANT AND ITS SERVICE AREA, INCLUDING (1) THE PAYMENT OF A CIVIL PENALTY IN THE AMOUNT OF \$123,601.00 OR, IN LIEU OF SUCH PAYMENT, PERFORMANCE OF A POLLUTION PREVENTION PROJECT EQUIVALENT IN VALUE TO THE PENALTY AMOUNT, AND (2) IMPOSITION OF POTENTIAL FUTURE STIPULATED PENALTIES IN THE AMOUNT OF \$1,000.00 PER PARAMETER EXCEEDED

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 Order 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 Central District Wastewater Treatment Plant and its service area, in substantially the form attached to the accompanying memorandum as Exhibit 1. The Consent Order includes, among other things: (1) payment of a civil penalty in the amount of \$123,601.00

or, in lieu of such payment, performance of a pollution prevention project equivalent in value to the penalty amount, and (2) imposition of potential future stipulated penalties in the amount of \$1,000.00 per parameter exceeded.

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

Anthony Rodriguez, Chairman	aye		
Kionne L. McGhee, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Oliver G. Gilbert, III	absent	Roberto J. Gonzalez	aye
Keon Hardemon	absent	Danielle Cohen Higgins	aye
Eileen Higgins	absent	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of March, 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: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SED

Sarah E. Davis