

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Civil Action No. 1:12-cv-24400-FAM

UNITED STATES OF AMERICA et al.,)
)
Plaintiffs,)
)
v.)
)
MIAMI-DADE COUNTY, FLORIDA,)
)
Defendant.)
_____)

ORDER REQUIRING STATUS REPORTS

THIS CAUSE came before this Court upon the Motion to Enter Consent Decree (**D.E. No. 86**), filed on **November 26, 2013**, and the parties supplemental comments submitted in response to this Court’s Notice on Proposed Consent Decree (**D.E. No. 140**), entered on March 7, 2014. After careful review, and consistent with this Court’s Order Entering Consent Decree, the parties shall comply with the following reporting requirements:

1. Upon entry of the Consent Decree, the United States of America (“United States”) shall, no less frequently than every six (6) months, submit a status report to the Court. The status report shall be submitted no later than thirty (30) days after receipt of Miami-Dade County’s (“Miami-Dade”) submission of its first and subsequent Semi-Annual Report to the United States Environmental Protection Agency (“EPA”) and State of Florida Department of Environmental Protection (“FDEP”) in accordance with Paragraph 33 of the Consent Decree. The status report shall, at minimum, include the following items:

- A. Sanitary Sewer Overflows (“SSOs”) During the Reporting Period:
 - i. The date, time, location, source, estimated duration, estimated volume, receiving water (if any) of each SSO;
 - ii. The cause of each SSO and whether the issue which caused the SSO has been resolved;
 - iii. Whether stipulated penalties have been assessed for each SSO; and
 - iv. Any other issues;
- B. Compliance Status of Consent Decree Requirements During the Reporting Period:
 - i. Submittal of Deliverables:
 - 1. The deliverable required to be submitted;
 - 2. Whether the deliverable was submitted on time
 - 3. The reason for any delay;
 - 4. Whether a late deliverable was subsequently submitted;
 - a. If so, the date of submission;
 - b. If not, the anticipated date of submission;
 - 5. Whether stipulated penalties have been assessed for failure to timely submit a deliverable;
 - 6. Any other issues;


- ii. Implementation of Capacity, Management, Operation and Maintenance (“CMOM”) Program in Paragraphs 18 and 19 of the Consent Decree During the Reporting Period:¹
 1. General status of compliance;
 2. Whether any specific issues of noncompliance exist;
- iii. Compliance with Deadlines in Appendix D During the Reporting Period:
 1. The project deadline required to be met;
 2. Whether the project deadlines was met;
 3. The reason for any failure to meet a project deadline;
 4. Whether any missed project deadline was subsequently met;
 - a. If so, the date the project deadline was met;
 - b. If not, the anticipated date the project deadline will be met;
 5. Whether Stipulated Penalties have been assessed for failure to meet a project deadline;
 6. Any other issues;
- iv. Status of Supplemental Environmental Project (“SEP”):
 1. The status of each phase of the SEP;
 2. If any phase was completed during the reporting period, the completion date;

¹ This information is submitted to EPA annually in accordance with Paragraph 34 of the Consent Decree. Accordingly, EPA shall report this information to this Court annually, rather than semi-annually.

3. For any phase not completed during the reporting period:
 - a. Whether the phase was required to be completed during the reporting period;
 - b. The estimated completion date;
 - c. Whether the project is estimated to be completed on schedule;
 - d. Any issues which may delay completion;
 - e. Any other items of concern;
 4. Any stipulated penalties assessed for SEP noncompliance;
 - v. Any noncompliance issues which have been resolved since the previous status report;
 - vi. Any anticipated future noncompliance issues;
 - C. Any other issues which the United States and FDEP believe are necessary to bring to the Court's attention.
2. Prior to submission of the Status Report, Plaintiffs shall provide a copy of the report to Miami-Dade for review. Miami-Dade may submit its own status report, or a supplement to the status report within fourteen (14) days of filing of Plaintiffs' status report.
3. In the event that Miami-Dade has notified Plaintiffs, pursuant to Paragraph 19(j) of the Consent Decree, of its intent to transfer funds from Miami-Dade Water and Sewer Department for any purpose not related to the management, operation, or maintenance of the wastewater collection and treatment system and/or wastewater treatment plants, or to any capital improvement needs of these systems (other than those exceptions specified in Paragraph 19(j)),

Miami-Dade shall concurrently file a report with this Court informing the Court of the intended transfer, and explaining why the transfer will not result in compliance issues.

DONE AND ORDERED in Chambers at Miami, Florida, on April 9, 2014


FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE