Hazen and Sawyer
4000 Hollywood Boulevard, Suite 750N
Hollywood, FL 33021 • 954.987.0066

April 29, 2025

Ms. Sirena Davila
Director
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
Southeast District
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406

Re: **DW Facility ID #FL0026255**

Dear Ms. Davila:

On behalf of the City of Hollywood, attached please find the signed Consent Order (Order). We apologize for the miscommunication regarding issuance of the draft Order a few hours after we provided our acknowledgement of the requested final edits. In our conversation with Mr. Odjo yesterday, it became clear that we were waiting on each other for the final document with accepted revisions, so we greatly appreciate the Department's understanding.

In closing, we would again like to thank the Department for its willingness to work with the City on the Consent Order and look forward to completion of all required corrective actions.

Sincerely,
Hazen and Sawyer, DPC

J. Philip Cooke, PE
Vice President

Attachment

c: File 4321--016

Job no

FLORIDA DEPARTMENT OF
Environmental Protection

Ron DeSantis
Governor

Alexis A. Lambert
Secretary

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

March 21, 2025

Vincent Morello, Director
Hollywood Southern Regional WWTF
1621 N 14th Avenue
Hollywood, FL 33022,
vmorello@hollywoodfl.org

Re: Hollywood Southern Regional WWTF
DW Facility ID #FL0026255
Broward County

Dear Mr. Morello

Enclosed is a Consent Order ("Order") prepared by the Department for resolution of the above referenced enforcement case. Please review this document and within **15 days** of receipt, return a signed copy to the Department. 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 or comments, please contact Jonathan Odjo at 561-681-6710 or via e-mail at Jonathan.Odjo@floridadep.gov.

Sincerely,

Sirena Davila, Director
Southeast District
Florida Department of Environmental Protection

Enclosure: Consent Order

ec: Kassandra Myers. Assistant Director kmyers@hollywoodfl.org
Feng "Jeff" Jiang, Assistant Director ECSD fjiang@hollywoodfl.org
Glen Superville. Water quality Operator gsuperville@hollywoodfl.org

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION	)))	IN THE OFFICE OF THE SOUTHEAST DISTRICT
v.	))	OGC FILE NO. 21-0392
CITY OF HOLLYWOOD	))	

CONSENT ORDER

This Consent Order (Order) is entered into between the State of Florida Department of Environmental Protection (Department) and City of Hollywood (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 Hollywood Southern Regional WWTF, a 55.5 million gallons per day annual average daily flow treatment facility with an effluent pump station, odor control system, biosolids storage, thickening and dewatering facilities, Class AA Thermally Treated Biosolids Treatment System , and a cryogenic oxygen plant (Facility). The Facility is operated under Wastewater Permit No. FL0026255 (Permit), which was issued on February 24, 2023 and will expire on February 23, 2028. The Facility is located at 1621 N 14th Ave. Hollywood, FL 33020-3211, in Broward County, Florida (Property). Respondent owns the Property on which the Facility is located.

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

a) The Facility exceeded its Permit's effluent, reuse, and UIC water quality limits 43 times for fecal coliform, total suspended solids, total residual chlorine, and carbonaceous biological oxygen demand between October 1, 2021 and October 31, 2023, in violation of Permit Conditions I.A, I.B, and I.C, Rule 62-620.300(5), F.A.C., and Sub-section 403.161(1)(b), F.S.

b) The facility failed to maintain and operate its equipment so as to function as intended, in violation of Rule 62-600.410, F.A.C. and Sub-section 403.161(1)(b), F.S. A bar screen, grit removal unit, three clarifiers, and one injection well pump were out of service or inoperable during the Department's April 4, 2023 inspection. Furthermore, on November 17, 2023, a failure of a 48" effluent discharge pipe occurred due to corrosion which caused a 28.8-million-gallon unauthorized discharge (SSO) that was reported to the State Watch Office (SWO #2023-9562). A second 48" effluent discharge pipe was observed by Department staff as being similarly corroded and at risk of failure.

c) The facility had the following sanitary sewer overflows (SSO) or unauthorized discharges, in violation of Rules 62-620.300(1), 62-604.130(1) and 62-620.300(5), F.A.C. and Sub-section 403.161(1)(b), F.S.

SWO #	Incident Date	Volume (gal)	Recovered Volume (gal)	Untreated/ Treated	Surface Water
2020-6256	11/11/2020	730,000	0	Untreated	Yes
2022-1366	03/05/2022	11,000	8,000	Untreated	Yes
2022-4012	06/04/2022	79,910	0	Untreated	Yes
2022-4722	06/27/2022	8,898	500	Untreated	Yes
2023-3065	04/13/2023	65,250	0	Untreated	Yes
2023-3242	04/17/2023	4,000	4,000	Untreated	Yes
2023-9562	11/17/2023	28.8 million	60,000	Partially Treated	Yes

The above SSOs/unauthorized discharges totaled 29,699,008 gallons between the time period of November 11, 2020, and November 30, 2023. Five of the SSOs/unauthorized discharges that reached surface waters caused or contributed to violations of surface water quality standards, in violation of 62-302.530(6)(c), F.A.C. and Sub-section 403.161(1)(b), F.S.

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

ORDERED:

5. Respondent shall comply with the following corrective actions within the stated time periods to address effluent exceedances:

a) Within 120 days of the effective date of this Order, Respondent shall submit to the Department an evaluation conducted by a professional engineer registered in the state of Florida, of the Facility, including the effluent disposal system and associated collection system, to discover the cause or causes of the violations identified in Sub-paragraph 4(a) above.

b) Within 180 days of the effective date of this Order, Respondent shall submit to the Department a report containing Facility design modifications, prepared and submitted under seal by a professional engineer registered in the state of Florida, to remedy the cause or causes of the violations identified in sub-paragraph 4(a) above and evaluated in subparagraph 5(a) above and ensure the Facility's effluent will be in full and consistent compliance with the Facility's permit and all applicable rules.

c) Within 300 days of the effective date of this Order, Respondent shall submit a complete application for a Department wastewater permit to construct any needed modifications identified by the report submitted pursuant to Sub-paragraph 5(b) above, if such a permit is required. In the event the Department requires additional information to process the permit application Respondent shall provide a written response containing the information requested by the Department within 90 days of the date of the request.

d) Within 33 months after issuance of the wastewater permit referenced in sub-paragraph 5(c) above, or if no permit is required, within 18 months of the submittal of the report required in Sub-paragraph 5(b), Respondent shall complete construction of the modification(s) identified in the report submitted pursuant to Sub-paragraph 5(b). If the report required in Sub-paragraph 5(b) does not deem any design modifications to be necessary, within 90 days of the submittal of the report Respondent shall bring the effluent into full compliance with the Facility's permit and all applicable rules.

e) Within 30 days after completion of the construction, Respondent shall submit to the Department a Certification of Completion, prepared and sealed by a professional engineer registered in the State of Florida, stating that modifications to the Facility have been constructed in accordance with the provisions of the Permit, or if no Permit is required the design modification(s) submitted pursuant to sub-paragraph 5(b).

f) If after 6 months of having completed construction of the design modifications identified in sub-paragraph 5(d) above, the modifications are determined by the Department to be inadequate to resolve the effluent exceedance violations, the Department will notify the Respondent in writing. Within 30 days of receipt of such written notification from the Department, Respondent shall submit an alternate plan and schedule to address the effluent exceedance violations. The alternate plan's schedule shall bring the effluent into full compliance with the Facility's Permit within 12 months of Department approval of the alternate plan. Should the alternate plan require a permit from the Department, Respondent shall obtain one prior to construction or implementation.

g) Within 20 months of the effective date of this Order, Respondent shall bring effluent quality into full compliance as specified in the Permit Conditions. Other than those excused delays agreed to by the Department, as described in paragraph 19 below any delays shall be submitted to the department in writing more than 30 days before the deadline.

6. Respondent shall comply with the following corrective actions within the stated time periods to address operation and maintenance of the Facility:

a) Within 180 days of the effective date of this order, Respondent shall submit to the Department a plan and schedule that outlines all repairs made or to be made to the Facility's treatment plant equipment or units, including effluent disposal systems, that are either in poor condition, in disrepair, out-of-service or inoperable. The plan and schedule shall adhere to the following:

i. The completion date of the plan and schedule, including obtaining any necessary Department permit(s) or permit modification(s), shall be no later than 33 months after issuance of the wastewater permit referenced in sub-paragraph 5(c) above, or if no permit is required, within 18 months of the submittal of the report required in Sub-paragraph 5(b).

ii. If the plan includes modifications in treatment, equipment or design that would require a wastewater permit, within 240 days of the plan's submittal, Respondent shall obtain any necessary Department permit(s) or permit modification(s) prior to construction or implementation.

b) Within 90 days of the effective date of this Consent Order, the Respondent shall complete the full repair of the 48" effluent discharge pipe that failed in November 2023 and shall fully evaluate the condition of the second effluent pipe. The evaluation of the second effluent pipe shall be completed by a professional engineer registered in the state of Florida.

c) Within 120 days of the effective date of this Order, Respondent shall provide the Department 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 subparagraph 6(b) above along with recommendations to rehabilitate or replace the 48" pipe to prevent its failure. All necessary repairs or the replacement shall be completed no later than 20 months from the effective date of this Order.

7. Respondent shall comply with the following corrective actions within the stated time periods to address unauthorized spills:

a) Within 180 days of the effective date of this Order, Respondent shall submit to the Department a plan and schedule to reduce infiltration and inflow (I&I) into the collection system (hereinafter, I&I Plan) to maintain wastewater flows at rates within the constraints of the System, that is, the volume that can be reliably delivered to and fully treated by one or more WWTFs.

i. Respondent shall begin to implement the I&I Plan within 240 days of the effective date of this Order.

ii. Referring to the EPA Quick Guide for Estimating Infiltration and Inflow dated June 2014 which is available at the following link: https://www3.epa.gov/region1/sso/pdfs/QuickGuide4EstimatingInfiltrationInflow.pdf, the I&I Plan shall reduce Average Dry Weather (ADW) flow to less than 120 gallons per person per day (gppd), reduce gallons per day per inch of diameter per mile of pipe (gpd/idm) to less than 1,500 gpd/idm, and reduce the Average Wet Weather Flow (WWF) to less than 275 gallons per person per day (gppd). If upon using the above-mentioned quick guide, Respondent determines flow rates for dry weather and wet weather are different for the Facility and its collection system than those provided for dry weather and wet weather in this paragraph, a report detailing how Respondent arrived at different numbers shall be submitted to the Department prior to submitting the I&I Plan. Upon demonstrating what are suitable dry weather and wet weather flow rates for the Facility, such flow rates shall be made an enforceable part of this Order, and the I&I Plan shall be prepared and implemented to reduce flow during dry weather and wet weather to less than these flow rates.

iii. The I&I Plan shall provide a schedule with remedies and completion dates that will include , but not be 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 Respondent to implement to reduce rain related peak flow from Volume Sewer Customers, including definition of acceptable peaking factor and subsequent consequences (surcharge and/or moratorium) 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.

iv. The final completion date for the I&I Plan schedule shall be no later than five years after the date the Respondent begins to implement the I&I Plan.

v. 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) Within 20 months of the effective date of this Order, Respondent shall complete an evaluation of the capacity of the Collection System, including all existing force mains, major gravity mains, and pump stations.

c) Within 22 months of the effective date of this Consent Order, the Respondent shall submit to the Department a report summarizing the results of the capacity evaluation, specifically identifying any assets with insufficient capacity for current and known projected demands over the next 10 years.

d) Within 18 months of the effective date of this Consent Order, Respondent shall develop and submit to the Department a documented Asset Management (AM), and Capacity, Management, Operation, and Maintenance (CMOM) program. The AM and CMOM program shall contain an implementation schedule for identified improvements for the Facility's entire collection and transmission system and both 48 inch ocean outfall effluent pipes in accordance with US EPA document 816-F-08-014 dated April 2008 (Asset Management: A Best Practices Guide), and US EPA document 305-B-05-002 dated January 2005 (Guide for Evaluating Capacity, Management, Operation, and Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems).

e) Within 20 months of the effective date of this Consent Order, Respondent shall fully implement for the entire collection and transmission system and both 48 inch ocean outfall effluent pipes, a documented Asset Management (AM), and Capacity, Management, Operation, and Maintenance (CMOM) program in accordance with (US EPA document 816-F-08-014 dated April 2008 (Asset Management: A Best Practices Guide), and US EPA document

305-B-05-002 dated January 2005 (Guide for Evaluating Capacity, Management, Operation, and Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems).

f) The AM and CMOM Program implementation schedule and the improvements schedule shall be incorporated herein as enforceable parts of this Consent Order. It is the Respondent's responsibility to complete planning, budgeting and funding allocation, permitting, procurement, bidding and awarding each project, and initiation of construction on a schedule that will result in completion of construction by the dates required in this Order. However, subsequent changes to schedules adopted pursuant to this Order may be modified by mutual agreement of the Parties in writing.

8. Every six months after the effective date of this Order and continuing until all corrective actions have been completed, Respondent shall submit to the Department a written report containing information about the status and progress of projects being completed under this Order, including the AM, CMOM Programs, any other information about compliance or noncompliance with the applicable requirements of this Order. As well as construction requirements, effluent limitations, I&I and any reasons for noncompliance. These reports shall also include a projection of the work Respondent will perform pursuant to this Order during the 6-month period which will follow the report. Respondent shall submit the reports to the Department within 30 days of the end of each calendar 6-month period.

9. Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all corrective actions required in Paragraphs 5, 6, 7, and 8 above within five years of the effective date of this Order and be in full compliance with Rules 62-604 and 62-620, and 62-600 F.A.C., regardless of any intervening events or alternative time frames imposed in this Order, other than those excused delays agreed to by the Department, as described in Paragraph 20 below.

10. The Department shall provide Respondent with its written approval, approval with conditions or modifications as a contingency of approval, or disapproval for each of the remaining plans or reports required in Paragraphs 5, 6, 7 and 8 of this Order. Respondent shall revise and resubmit plans or reports with the Department's written comments within thirty

days of Respondent's receipt of the Department's written comments unless such comments specify an alternative due date, in which case Respondent shall submit to the Department any revised submittal, specification, or schedule in accordance with the due date specified by the Department. Revised submittals are also subject to approval, approval with conditions and/or modifications, or disapproval by the Department following these approval procedures. Failure to meet the timeframes contained herein is subject to stipulated penalties as set forth in Paragraph 12 below. Any revised submittal that is not approved or is not approved with conditions and/or modifications is considered noncompliant with the terms of this Order and is subject to stipulated penalties as set forth in Paragraph 12 below. Upon receipt of the Department's written approval, or approval with conditions and/or modifications, Respondent shall implement the plans or reports in accordance with the schedule and provisions contained therein rather than inserting the statement in each applicable paragraph.

11. Within 90 days of the effective date of this Order, Respondent shall pay the Department $376,408.00 in settlement of the regulatory matters addressed in this Order. This amount includes $375,908.00 for civil penalties and $500.00 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 16 violations that each warrant a penalty of $2,000.00 or more.

12. If the modifications are determined by the Department to be inadequate to resolve the effluent exceedance violations within 6 months of implementation of modifications pursuant to Sub-paragraph 5(f) of this Order, the Respondent agrees to pay the Department stipulated penalties in the amount of $1,000.00 per month for each and every effluent exceedance of the permitted limit. Respondent further agrees to pay the Department $1,000.00 for each and every day Respondent fails to timely comply with any of the requirements of Paragraphs 5, 6, 7 and 8 of this Order.

Additionally, Respondent shall pay the Department stipulated penalties for any unauthorized discharges of wastewater from the WWTF and/or collection/transmission system, including any SSOs/unauthorized discharges that have occurred from January 2024 through the effective date of this Order.

Respondent shall pay the stipulated penalties 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	in excess of 100,000 gallons

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 Paragraph 13. Nothing in this paragraph shall prevent the Department from filing 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.

13. Respondent shall make all payments required by this 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 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.

14. In lieu of paying the full civil penalty amount of $ 375,908.00 or the full amount of any stipulated penalties assessed, the Department, at its discretion, may allow Respondent to offset this amount through implementation of a Pollution Prevention Project (P2 Project) as

described in the attached Exhibits B and C, which must be approved by the Department. This amount is referred to as the "offset amount."

a) 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 Order.

b) 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.

15. Respondent may elect to offset the civil penalty amount of $375,908.00 or the full amount of any stipulated penalties assessed by implementing an in-kind penalty project, as further detailed in Exhibit A, 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 $563,862.00, or one and a half times the stipulated penalty off-set amount.

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

16. In the event that Respondent elects to off-set civil penalties including stipulated penalties by implementing an in-kind penalty project which is approved by the Department, during the period that this 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 in Exhibit A to this 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 and/or stipulated penalty shall immediately become due and owing to the Department irrespective of any expenditures by the Respondent in furtherance of the In-Kind project.

17. Notwithstanding the election to implement a P2 or In-Kind Project, payment of the remaining $500.00 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 Jonathan Odjo, Southeast District, Department of Environmental Protection, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, Florida, 33406 and SED.Wastewater@dep.state.fl.us.

19. 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 by the next working day and shall, within seven calendar days notify the Department in writing of (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.

20. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Wastewater Compliance Assurance, Department of Environmental Protection, Southeast District, 3301 Gun Club Road, West Palm Beach FL, 33406, Jonathan Odjo at jonathan.odjo@floridadep.gov and SED.Wastewater@dep.state.fl.us. 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.

21. In the event of a sale or conveyance of the Facility or of the Property upon which the Facility is located, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the Facility or Property, (a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in control of the Facility, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the Facility. The sale or conveyance of the Facility or the Property does not relieve Respondent of the obligations imposed in this Order.

22. 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 Southeast 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:

Vincent Morello
Print Name

Director, Public Utilities
Print Title

Vincent Morello
Signature

April 29, 2025
Date

DONE AND ORDERED this _____ day of ________, 2024, 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

Copies furnished to:
Lea Crandall, Agency Clerk Lea.Crandall@dep.state.fl.us
Mail Station 35

EXHIBIT A

IN-KIND PROJECTS

I. Introduction

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 SRWWTP (insert name of Respondent) who shall testify as follows: My name is Vincent Morello (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 SRWWTP (print or type name of Respondent) budget and finances. During the eighteenth month period prior to the effective date of Consent Order OGC Case No.: 21-0392 there has not been any transfer or use of funds obtained by the SRWWTP (print or type name of 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.

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 29th day of April, 2025 by Rhonda J Felder

Personally, known or by Production of the following Identification ________

Notary Public, State of Florida

Printed/typed or stamped name: RHONDA J. FELDER Notary Public - State of Florida Commission # HH 651656 My Comm. Expires Mar 13, 2029 Bonded through National Notary Assn.

My Commission Expires:

Commission/Serial No.:

Annual Certification Form

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

A. I am a person with management responsibilities for SRWWTP (print or type name of Respondent) 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 SRWWTP (print or type name of 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.

B. 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 29th day of April, 2025 by Rhonda J Felder

Personally, known or by Production of the following Identification ________

Notary Public, State of Florida

Printed/typed or stamped name: RHONDA J. FELDER Notary Public - State of Florida Commission # HH 651656 My Comm. Expires Mar 13, 2029 Bonded through National Notary Assn.

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 as set forth in Paragraph 13 of the Order, within 30 days of Department notice.

e. Within 120 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 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, or, of the Department's notification that applying stipulated penalties to an in-kind project is acceptable then Respondent shall make cash payment of the civil penalties as set forth in Paragraph 13 of the Order, 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 entire penalty, no additional penalties shall be assessed under paragraph 12 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 entire penalty amount, no additional penalties shall be assessed under Paragraph 12 for failure to complete the requirements of this paragraph.

<u>EXHIBIT B</u>
<u>P2 PROJECTS</u>

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.*)

<table>
<tr><td colspan="8">(Project Name)</td></tr>
<tr><td colspan="8">Annual Resource Consumption Comparison</td></tr>
<tr><td rowspan="2">Item</td><td colspan="3">Quantity Used (gal/lb/kwh-specify)</td><td colspan="3">Purchasing Cost ($)</td><td rowspan="2">Percent (%) Reduction</td></tr>
<tr><td>Before</td><td>After</td><td>Reduction</td><td>Before</td><td>After</td><td>Reduction</td></tr>
</table>

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 =							

Summary of All P2 Projects							
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 C
P2 PROJECTS

P2 Project Progress/Final Report (Report)
(Note: Provide the information specified and delete existing text within parentheses)
(Facility Name)
(Address)
(Telephone)
(Preparer Name/Title)

A. **Project Description**: *(Confirm that the Project(s) were implemented as originally described in the P2 Project Summary/Plan, or explain and justify any changes made.* Summarize any changes made from the original description by revising details for equipment installed, materials substituted, and the actual changes made to processes or operations. Include any changed manufacturer or vendor information, and specifications.)

B. **Environmental and Economic Benefits**: *(Confirm that the natures and types of resources, and wastes predicted to be affected in the original Summary/Plan, are unchanged. Describe and explain any notable changes in resources saved up front, or wastes reduced at back of affected processes, or operations.* Specify the types and nature of each change. Update the original table, as applicable.)

Insert the original table(s) from this Section of the Summary or Plan. Update information for any changed resource or wastes. *Correct numbers presented in the table(s) for any parameters actually monitored – only if results monitoring was included as part of implementation in the original Summary or Plan.*)

C. **Project Cost**: (Include per Project the *actual* itemized, subtotal and project total costs realized for each element and component of the project – *including any changed items or costs.* The projected payback period in months or years needs to be confirmed or corrected.

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:**
(***Indicate both the dates the Project was started and completed.*** Confirm that the information presented in Sections A-C of the Plan is unchanged, or that sections have been changed appropriately. Provide a statement that the Project(s) was/were implemented successfully, and explanation of potential problems and corrections applied. Attach expense reports, receipts, purchasing instruments and other documents itemizing costs expended on preparing and implementing the Projects.)