



Interoffice Memorandum

October 5, 2023

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Andres Salcedo, P.E., Acting Director
Planning, Environmental, and Development
Services Department *Andres*

CONTACT PERSON: **Renée H. Parker, LEP Manager**
Environmental Protection Division
(407) 836-1402

SUBJECT: November 14, 2023 – Consent Item
Florida Department of Environmental Protection Grant Agreement
No. LPF4801 for Orange County Septic Upgrade Incentive Pilot
Program Amendment #2 – Time Extension

The Wekiwa and Rock Springs Basin Management Action Plan (BMAP) was finalized in 2018 by the Florida Department of Environmental Protection (FDEP) and identified Orange County as a stakeholder. The BMAP identifies a 20-year timeframe to reduce wastewater nitrogen pollutant loads within the springshed.

FDEP is providing funding assistance through a grant to Orange County homeowners within the Wekiwa and Rock Springs Priority Focus Area (PFA) to upgrade their septic systems to include nitrogen treatment. The funding is made available through Orange County's Septic Upgrade Incentive Program operated by the Environmental Protection Division and Neighborhood Services Division. The program focuses on homes outside the area being targeted for connection to the sanitary sewer, but still within the PFA. This grant provides an incentive to install nitrogen-reducing systems for homes where connection to the sanitary sewer may not be feasible.

The Board approved the original \$154,000 grant agreement on July 13, 2021. On March 30, 2022, the Board approved Amendment 1 to extend the task end date to March 31, 2023, and the Agreement expiration date to September 30, 2023. Upcoming state mandates for septic upgrade within the PFA will prioritize usage of these funds, necessitating an additional extension of the grant agreement.

Amendment 2 includes the following elements:

- Task due date extension from March 31, 2023 to March 31, 2024; and,
- An Agreement expiration date extension from September 30, 2023 to September 30, 2024; and,

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Florida Department of Environmental Protection Grant Agreement No. LPF4801 for Orange County Septic Upgrade Incentive Pilot Program Amendment #2

- The ability to reimburse certified septic system installers and licensed plumbers directly, in addition to continued ability to reimburse resident directly.

This Agreement was reviewed by the County Attorney's Office and approved as to form.

ACTION REQUESTED: Approval and execution of Amendment No. 2 to Agreement No. LPF4801 between Florida Department of Environmental Protection and Orange County to extend the Agreement expiration date to September 30, 2024. Districts 1, 2, 5 and 6

MK/ERJ:jk

Attachments

BCC Mtg. Date: November 14, 2023

**AMENDMENT NO. 2
TO AGREEMENT NO. LPF4801
BETWEEN
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
ORANGE COUNTY**

This Amendment to Agreement No. LPF4801 (Agreement), as previously amended, is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and Orange County (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for Orange County Septic Upgrade Incentive Program (Project), effective July 29, 2021; and,

WHEREAS, the Grantee has requested a revision in the scope of work for the Project; and,

WHEREAS, the Grantee has requested an extension of the Agreement due to the lack of participants in the Incentive Program; and,

WHEREAS, the parties have agreed to amend the Agreement as set forth herein.

NOW THEREFORE, the parties agree as follows:

1. Section 3. of the Standard Grant Agreement is hereby revised to change the Date of Expiration to September 30, 2024. The Department and the Grantee shall continue to perform their respective duties during this extension period pursuant to the same terms and conditions provided in the Agreement.
2. Attachment 3-1, Grant Work Plan, is hereby deleted in its entirety and replaced with Attachment 3-2, Revised Grant Work Plan, as attached to this Amendment and hereby incorporated into the Agreement. All references in the Agreement to Attachment 3 shall hereinafter refer to Attachment 3-2, Revised Grant Work Plan.
3. All other terms and conditions of the Agreement remain in effect. If and to the extent that any inconsistency may appear between the Agreement and this Amendment, the provisions of this Amendment shall control.

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The parties agree to the terms and conditions of this Amendment and have duly authorized their respective representatives to sign it on the dates indicated below.

ORANGE COUNTY

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: *Richard B. Bwalya*
Authorized Signature



for Jerry Demings, Mayor
Print Name and Title

Date: November 14, 2023

By: *Angela Knecht* Digitally signed by Angela Knecht
Date: 2023.11.20 07:25:52 -05'00'
Secretary or Designee

Angela Knecht, Division Director
Print Name and Title

Date: _____
Jillian Bates Digitally signed by Jillian Bates
Date: 2023.11.17 11:12:10 -05'00'

Jillian Bates, DEP Grant Manager
Nathan Jagoda Digitally signed by Nathan Jagoda
Date: 2023.11.17 13:17:17 -05'00'
Nathan Jagoda, DEP QC Reviewer

List of attachments/exhibits included as part of this Amendment:

<u>Specify Type</u>	<u>Letter/ Number</u>	<u>Description</u>
Attachment	3-2	Revised Grant Work Plan

**ATTACHMENT 3-2
REVISED GRANT WORK PLAN**

PROJECT TITLE: Orange County Septic Upgrade Incentive Program

PROJECT LOCATION: The Project will be located in unincorporated Orange County within the Wekiwa and Rock Springs Priority Focus Area. See Figure 1 for a location map.

PROJECT BACKGROUND: Pursuant to the Florida Springs and Aquifer Protection Act (2016) and Basin Management Actin Plan (BMAP), Orange County (Grantee) is completing a Wastewater Feasibility Analysis. The purpose of the analysis is to determine the most appropriate wastewater solution for meeting the BMAP requirements. Wekiwa and Rock Springs have been identified as Outstanding Florida Springs and the Wekiwa and Rock Springs BMAP contains an Onsite Treatment and Disposal Systems (OSTDS) remediation plan. A Priority Focus Area (PFA) has been identified in the springshed to prioritize high risk areas for additional wastewater treatment by implementing sanitary sewer connection or septic system upgrade.

PROJECT DESCRIPTION: Based on the results of the Wastewater Feasibility Analysis performed by Orange County, the Grantee will develop a Septic Upgrade Incentive Program to encourage homeowners to voluntarily remediate existing conventional OSTDS to include nitrogen reducing enhancements. Where connection to sewer is not indicated by the Feasibility Analysis, the incentive program is intended to offset a portion of homeowner costs by providing homeowners, certified septic system installers and licensed plumbers with up to \$7,000.00 after the installation of enhanced nitrogen-reducing features to existing septic systems located in the PFA within Orange County.

TASKS:

All documentation should be submitted electronically unless otherwise indicated.

Task 1: Septic Upgrade Incentives

Deliverables: The Grantee will provide incentive payments to eligible recipients of up to \$7,000 per installation to encourage homeowners to voluntarily remediate existing conventional Onsite Sewage Treatment and Disposal Systems (OSTDS) to include nitrogen reducing enhancements within parts of the county approved by the Department.

Documentation: The Grantee will submit: 1) a signed acceptance of the completed work to date, as provided in the Grantee's Certification of Payment Request; 2) a list of addresses and type of septic upgrade completed and 3) copies of invoices for the upgrades by a registered septic installer or licensed plumber.

Performance Standard: The Department's Grant Manager will review the documentation to verify that the deliverables have been completed as described above. Upon review and written acceptance by the Department's Grant Manager, the Grantee may proceed with payment request submittal.

Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement no more frequently than monthly.

PROJECT TIMELINE & BUDGET DETAIL:

The tasks must be completed by, and all documentation received by, the corresponding task end date. Cost reimbursable grant funding must not exceed the budget amounts as indicated below.

Task No.	Task Title	Budget Category	Grant Amount	Task Start Date	Task End Date
1	Septic Upgrade Incentives	Miscellaneous/ Other Expenses	\$154,000	05/01/2021	03/31/2024
Total:			\$154,000		

Note that, per Section 8.h. of Attachment 1 in the Agreement, authorization for continuation and completion of work and any associated payments may be rescinded, with proper notice, at the discretion of the Department if the Legislature reduces or eliminates appropriations. Extending the contract end date carries the risk that funds for this project may become unavailable in the future. This should be a consideration for the Grantee with this and future requests for extension.

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Figure 1. Project Location: Wekiwa and Rock Springs PFA

