



Interoffice Memorandum

December 9, 2020

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

FROM: Andres Salcedo, P.E., Deputy Director
Utilities Department

A handwritten signature in black ink that reads "Andres Salcedo".

SUBJECT: BCC Agenda Item – Consent Agenda
January 12, 2021 BCC Meeting
Florida Department of Environmental Protection v. Orange County Utilities
Water Reclamation Division, OGC File No.: 20-1495 Consent Order
Contact Person: Michael J. Hudkins, P. E., Manager
Water Reclamation Division
Utilities Department
(407) 254-9685

Under Chapter 403, Florida Statutes, and Title 62, Florida Administrative Code, the Florida Department of Environmental Protection (FDEP) has jurisdiction over the operation of the County's water reclamation system. Pursuant to that authority, FDEP has initiated this Consent Order to provide for payment of civil penalties for unauthorized discharges occurring in the Northwest Water Reclamation Facility (NWRf) wastewater collection and transmission system during the period of October 2019 through August 2020.

This Consent Order references three unauthorized discharges, often referred to as sanitary sewer overflows (SSOs), totaling 123,000 gallons of untreated domestic wastewater. A total of 295,000 gallons of wastewater and impacted retained storm water were recovered from these events. The Consent Order requires the County pay \$8,000 in civil penalties and \$500 for costs and expenses incurred for a total payment of \$8,500, and also stipulates terms and penalties for future discharges.

In lieu of making a cash payment of \$8,000 in civil penalties, OCU is proposing to offset this amount by implementing and completing a FDEP-approved Pollution Prevention (P2) project. The remaining \$500 in administrative costs must be paid within 30 days of the effective date of the Consent Order.

Orange County Attorney's Office staff has reviewed the Consent Order prepared by FDEP and has approved it as to form. Utilities Department staff has reviewed the Consent Order and recommends approval.

Action Requested: Approval and execution of Florida Department of Environmental Protection v. Orange County Utilities Water Reclamation Division, OGC File No.: 20-1495 OCUD Northwest WRF, No. FLA0100798 Consent Order and authorization for the County Administrator to execute the Consent Order; approval of the P2 project to offset civil penalties; and authorization to pay costs and expenses in the amount of \$500.

District 2.

BCC Mtg. Date: January 12, 2021

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION)	CENTRAL DISTRICT
)	
v.)	OGC FILE NO. 20-1495
)	
ORANGE COUNTY FLORIDA)	
_____)	

CONSENT ORDER

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and Orange County Florida, a charter county and political subdivision of the State of Florida ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent neither admits nor denies 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(5), F.S.
3. Respondent is the owner and is responsible for the operation of the Orange County Utilities Division Northwest Water Reclamation Facility and associated collection/transmission system ("Facility"), a 11.25-million gallons per day (MGD) annual average daily flow ("AADF") domestic wastewater treatment facility with three reuse systems (R001, R002, and R003). The Facility includes influent screening, grit removal, five-stage Bardenpho type treatment process, clarification, filtration, disinfection, biosolids are dewatered onsite. The Facility is operated under Wastewater Permit No. FLA010798 ("Permit"), which was issued on April 4, 2018 and will expire on April 3, 2023. The Facility is

located at 701 W McCormick Road, Apopka, in Orange County, Florida ("Property").

Respondent owns the Property on which the Facility is located.

4. The Department finds and Respondent neither admits nor denies that the following violations occurred:

a) On October 10, 2019, the Facility had an unauthorized discharge of approximately 100,000 gallons of untreated domestic wastewater in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2019-5740. This discharge was timely reported to the State Watch Office and to the Department in accordance with public notification requirements of Section 403.077, F.S. Respondent reported that approximately 18,000 gallons of untreated domestic wastewater and approximately 132,000 gallons of impacted retained stormwater was recovered.

b) On June 24, 2020, the Facility had an unauthorized discharge of approximately 1,000 gallons of untreated domestic wastewater in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2020-3361. This discharge was timely reported to the State Watch Office and to the Department in accordance with public notification requirements of Section 403.077, F.S.

c) On August 7, 2020, the Facility had an unauthorized discharge of approximately 22,000 gallons of untreated domestic wastewater in violation of Chapter 403.161(1)(a) and (b), F.S. and Rule 62-604.130(1), F.A.C. State Watch Office incident number 2020-4133. This discharge was timely reported to the State Watch Office and to the Department in accordance with public notification requirements of Section 403.077, F.S. Respondent reported that approximately 145,000 gallons of impacted retained stormwater was recovered.

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:

a) Complete all the force main replacement projects identified in Table 1 of Exhibit 1 by the corresponding completion dates listed. All projects shall be completed no later than June 30, 2024.

b) Complete all the gravity sewer lining and replacement projects identified in Table 2 of Exhibit 1 by the corresponding completion dates listed. All projects shall be completed no later than August 31, 2023.

c) Complete all the pump station rehabilitation projects identified in Table 3 of Exhibit 1 by the corresponding completion dates listed. All projects shall be completed no later than September 30, 2023.

6. Every quarter 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, information about 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 Respondent will perform pursuant to this Order during the 12-month period which will follow the report. Respondent shall submit the reports to the Department within 30 days of the end of each quarter.

7. Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all corrective actions required by paragraphs 5(a) to (c) by June 30, 2024, 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 22.

8. Within 90 days of the effective date of this Order, Respondent shall submit a written estimate of the total cost of the corrective actions required by this Order to the Department. The written estimate shall identify the information the Respondent relied upon to provide the estimate.

9. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$8,500.00 in settlement of the regulatory matters addressed in this Order. This

amount includes \$8,000.00 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 3 violations that each warrant a penalty of \$2,000.00 or more.

10. In lieu of making cash payment of \$8,000.00 in civil penalties as set forth in paragraph 9, Respondent may elect to off-set the amount of \$8,000.00 by implementing a Pollution Prevention (P2) Project, which must be approved by the Department. 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 offset under this Order. If Respondent chooses to implement a P2 Project, Respondent shall notify the Department of its election 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 \$500.00 for costs and expenses incurred by the Department, during the investigation of this matter, and the preparation and tracking of this Order.

11. If Respondent elects to implement a P2 Project as provided in paragraph 10, Respondent shall submit a completed P2 Project Plan (Plan) within 30 days of the effective date of this Order. The Plan must be completed using Exhibit 2, "P2 Project Plan" template.

12. In the event the Department requires additional information to process the

Plan described in paragraph 11, Respondent shall provide a modified Plan containing the information requested by the Department within 30 days of the date of the request.

13. 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 Respondent that the balance is due.

14. Respondent agrees to pay the Department stipulated penalties as defined in the schedules below:

a) For each and every day Respondent fails to timely comply with any of the requirements of paragraphs 5(a) to (c), 6, 7, and 31 of this Order, Respondent agrees to pay stipulated penalties in the amount of \$1,000 per day.

b) For unauthorized discharges from any portion of the Facility, Respondent agrees to pay stipulated penalties assessed according to the volume of the discharge and the number of days the discharge continued and/or impacted surface water, as shown below:

<u>Amount per day per Discharge or</u>	
<u>Amount per day per Water Quality Violation</u>	<u>Discharge Volume</u>
\$500.00	Up to 2,500 gallons
\$1,000.00	2,501 to 10,000 gallons
\$2,500.00	10,001 to 25,000 gallons
\$5,000.00	25,001 to 50,000 gallons
\$10,000.00	in excess of 50,000 gallons

The Department will evaluate all unauthorized discharges using the Sanitary Sewer Overflow Tool (dated May 1, 2019), prior to assessing any stipulated penalties. The Department may demand 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 18, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce the terms of this Order. Any stipulated penalties assessed under this paragraph shall be in addition to the civil penalties agreed to in paragraph 9 of this Order.

15. In lieu of making cash payment of the amount required under paragraph 14 above, the Department, at its discretion, may allow Respondent to off-set this amount by implementing an in-kind project, which must be approved by the Department. An in-kind project must be either an environmental enhancement, environmental restoration or a capital/facility improvement project. 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 portion of the stipulated penalty amount for which the approved project off-sets. The Respondent shall request consideration of applying stipulated penalties toward an in-kind project within 15 days of notification by the Department that stipulated penalties are being assessed under paragraph 14. If acceptable, the Respondent shall comply with all the requirements and timeframes in Exhibit 3, entitled In-Kind Projects. If not acceptable, the Respondent will pay the stipulated penalties within 30 days of receipt of the Department's notification that applying the stipulated penalties to an in-kind project is not acceptable.

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, expansion, or maintenance of the Respondent's domestic wastewater collection, transmission, treatment, reuse, and disposal system, Respondent environmental projects, governmental services supporting or benefiting the systems or operations thereof, or to any capital improvements of the systems (hereinafter, Prohibited Transfer). Respondent shall annually certify to the Department using the Annual Certification Form located on Exhibit 3 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 entire civil 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. In lieu of an in-kind project as explained in paragraph 15 or making cash payment of the amount required in paragraph 14 above, the Department, at its discretion, may allow Respondent to off-set the stipulated penalty amounts by implementing additional Pollution Prevention (P2) Project(s), which must be approved by the Department. Respondent shall satisfy the requirements outlined in paragraphs 10 to 13 above.

18. 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.

19. Except as otherwise provided, all submittals and payments required by this Order shall be sent to DEP_CD@dep.state.fl.us and copied to Daniel Hall, Environmental Manager, FDEP Central District Office, 3319 Maguire Blvd., Suite 232, Orlando FL 32803.

20. 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. 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.

23. 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.

24. 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.

25. 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.

26. 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 \$10,000.00 per day per violation, and criminal penalties.

27. 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.

28. 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.

29. 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.

30. 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.

31. Respondent shall publish the following notice in a newspaper of daily circulation in Orange County, Florida. The notice shall be published one time only within 30 days of the effective date of the Order. Respondent shall provide a certified copy of the published notice to the Department within 10 days of publication.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF CONSENT ORDER

The Department of Environmental Protection ("Department") gives notice of agency action of entering into a Consent Order with ORANGE COUNTY FLORIDA pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses the unauthorized discharges of untreated wastewater from the collection/transmission system associated with the Orange County Utilities Division Northwest Water Reclamation Facility. The Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Central District Office at 3319 Maguire Blvd., Suite 232, Orlando, Florida 32803.

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.

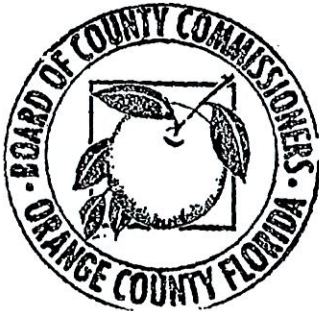
The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Consent Order;
- b) The name, address, and telephone number of each petitioner; 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;

- c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- d) A statement of when and how the petitioner received notice of the Consent Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Consent Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

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 3319 Maguire Blvd., Suite 232, Orlando, Florida 32803. 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.

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



FOR THE RESPONDENT:

Byron W. Brooks
Byron W. Brooks
County Administrator
Orange County Administrator's Office

JAN 1 2 2021

Date

DONE AND ORDERED this 22 day of January, 2021, in Orange
County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Aaron Watkins on behalf of
Aaron Watkins
District Director
Central District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk,
receipt of which is hereby acknowledged.

Anita L. Spencer

January 22, 2021

Clerk

Date

Copies furnished to:

Lea Crandall, Agency Clerk
Mail Station 35

Exhibit #1: OCUD/Northwest Collection/Transmission Service Area Projects

Table 1: Force Main Projects in Design and Construction

Project Name	Length (Ft)	Diameter (Inch)	Material	Cost Estimate	Status	Construction Completion
FM R/R HIAWASSEE ROAD AT SR 408	2100	16	DIP	\$1,155,000	Final Design	8/1/2023
FM R/R HIAWASSEE RD (SR 50 - CLARCONA) (1)	5500	24	DIP	\$2,640,000	Final Design	6/21/2024
FM R/R HIAWASSEE RD (SR 50 - CLARCONA) (2)	1100	30	DIP	\$676,000	Final Design	6/21/2024

Table 2: Gravity Sewer Lining and Replacement Projects in Design and Construction

Project Name	Length of Pipe (ft.)	Cost Estimate	Status	Construction Completion
Gravity Lining Group 3	84,552 ft. in NWRP, 89,622 ft. total	\$2,486,619	Construction	8/31/2023
Gravity Replacement Package 3	889 ft. in NWRP, 1,889 ft. total	\$1,900,000 in NWRP, \$2,882,842 total	Bidding	7/31/2023

Table 3: Pump Station Rehabilitation Projects in Design and Construction

Project Name	Number of Pump Stations	Cost Estimate	Status	Construction Completion
Package 32	1 (PS 3424)	\$782,553	Design	8/31/2023
Package 39	1 (PS 3026)	\$710,000	Design	9/30/2023

[This template is to be used as a Long Form Consent Order Exhibit when regulatory corrective actions, or P2 Projects require time to be resolved or developed. This template must be completed to describe P2 Projects once identified. The document must be approved prior to P2 Project implementation. The Plan must contain the following information.]

Exhibit 2

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 3

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 _____ (insert name of Respondent) 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:

A. I am a person with management responsibilities for _____ (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.: _____ there has not been any transfer or use of funds obtained by the _____ (print or type name of Respondent) from the collection of sewer rates for any Prohibited Transfer, as defined in paragraph 16 of the above referenced Consent Order.

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 ____ 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:

A. I am a person with management responsibilities for _____ (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 _____ (print or type name of Respondent) from the collection of sewer rates for Prohibited Transfer, as defined in paragraph 16 of the Consent Order for OGC Case No.: 20-1194.

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 ____ 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 as set forth in paragraph 18 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 18 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 I(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 \$ 8,000.00 penalty, no additional penalties shall be assessed for failure to complete the in-kind project.

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 \$8,000.00 penalty, no additional penalties shall be assessed for failure to complete the in-kind project.