

City of Fort Lauderdale
Infrastructure Task Force Committee
February 4, 2019
2:00 p.m. to 5:00 p.m.
8th Floor City Commission Room – City Hall
Fort Lauderdale, FL 33301

1. Call to Order at 2:00 P.M.:

• **Roll Call**

I. MEMBERS		PRESENT	ABSENT
Marilyn Mammano	P	21	1
Ed Kwoka	A	16	5
Ralph Zeltman	P	21	1
Peter Partington	P	2	0
Roosevelt Walters	P	20	2
Fred Stresau	P	18	4
Norm Ostrau	P	19	1
David Orshefsky	P	19	0
Jacquelyn Scott	P	7	0

Staff Present

Joe Kenney, Assistant Public Works Director
Talal Abi-Karam, Assistant Public Works Director
Meredith Shuster, Senior Administrative Assistant

2. Approval of Agenda (2:03 P.M.)

Motion to approve the February 4, 2019 Agenda made by Mr. Zeltman and seconded by Ms. Scott

Motion approved unanimously by voice vote

3. Approval of January 7, 2019 Meeting Minutes (2:04 P.M.)

Motion to approve the minute for the January 7, 2019 meeting by Ms. Scott and seconded by Mr. Walters

Motion approved unanimously by voice vote

4. General Discussion and Comments by Committee Members (2:05 P.M.)

Mr. Kwoka's resignation was addressed by the Chair and discussion ensued regarding the Vice Chairperson position. Peter Partington was proffered and he accepted the nomination.

Motion to elect Peter Partington as the Vice Chairperson made by Ms. Scott and seconded by Mr. Stresau. (2:25 P.M.)

Motion approved unanimously by voice vote

The Board and City staff extends their gratitude to Mr. Edward Kwoka for his contribution to the Infrastructure Task Force from its inception and his dedicated service as the Vice Chairperson.

In addition, gratitude is also extended to Mr. Keith Cobb and Mr. Leo Hansen for their dedication and service.

Discussion revolved around the semantics and the arithmetic of the effect on property owners if the millage rate was increased and/or if the two bond issues pass. It was agreed that either way, the resulting effect would be more money coming out of the property owners' pocket for infrastructure improvements.

When addressing the Commission's response on the Committee's recommendation to set a fixed percentage of the General Fund to be applied to infrastructure not supported by user fees, the Chairperson felt that it was being addressed in as much as the Commission is asking the voters to decide on the police bond and parks bond. The special election is March 12, 2019.

Staff was asked about two recent water main breaks. Staff reported that one was out of jurisdiction of the City (Tamarac). The other break is part of a 5 year CIP project replacing small water mains in the area and is being addressed.

It was requested that staff provide a status report on the projects that are part of the Consent Order. The overall status report on the CIP projects given in November included the projects specific to the Consent Order. Staff reported that all deadlines have been met. The projection is to complete the projects by 2023. The Consent Order deadline is 2026. Staff prepared an update on the CIP today and will be doing so each quarter.

Staff explained that some studies needed as part of the Consent Order could not be paid out of the initial funding source after being reviewed by the City Auditor. However, alternative funding is in place and the studies are progressing. Staff explained that per the Consent Order, semi-annual reports are provided to FDEP. It was requested by the Committee and agreed to by Staff to forward a copy of the latest report to the ITF and requested to be copied on future reports.

5. Old Business (2:30 P.M.)

No Old Business

6. New Business (2:31 P.M.)

A. Potential Next Steps

B. Potential Discussion Points for Future Infrastructure Entity (via Dave Orshefsky)

It was decided by consensus to discuss points A and B concurrently.

Discussion ensued as to whether the substantive objectives of the ITF had been met. It was mentioned that the need arose for a "task force" out of a crisis situation that no longer exists. As a "task force", the time frame and the purpose was not intended to be ongoing but to be

specific in task and of a set duration. The underlying resolution was not written for an ongoing committee.

In discussion, three of the eight board members did not agree that the original task of the ITF was completed. Five members felt that the ITF completed its initial objectives. All board members believed there was a need for an ongoing advisory board on infrastructure.

Recommendations deferred to the March 7th meeting are:

- Whether the current board remains until March of 2020 when the extended term of the task force ends; or
- Sunset the current board at this time and allow for the Commission to determine an ongoing board from the recommendations submitted to it from this Committee.

Based on the discussion at the Joint Workshop between the Commission and the Committee on January 22nd, as part of the backup material for this meeting, staff provided an outline called "Potential Next Steps", Mr. Orshefsky provided a like document titled "DMO Draft Dated: 2019-01-28." At the meeting, Mr. Partington provided his suggestions titled, "The Purpose of the Infrastructure Committee".

It was agreed that the three documents should be melded.

Ensuing discussion suggested:

- Continue to monitor and advocate for General Revenue funded CIP projects (roads/sidewalks/seawalls, etc.)
- Monitor how bond dollars are being utilized and whether infrastructure issues are getting the needed focus.
- Monitor existing bonds and identify funding sources and financing alternatives for infrastructure renewal programs
- Provide guidance and feedback to the Commission through reports
- Conduit for neighborhood outreach to inform the citizenry of the projects underway and for public feedback
- Encouraging more certainty in the amount and use of General Fund dollars for CIP projects such as roads, sidewalks, bridges and seawalls by establishing a set percentage of General Fund dollars each budget year
- Encourage the adherence to reviewing the impact fees on a regular basis
- Encourage the continual review of climate change impact on all areas of infrastructure with specific attention to the water treatment plants, well fields and the like

Board members agreed that the CIP should be less malleable. In the five-year plan, when funding is available, a project should not be abandoned and the funding used for a different purpose. Streets, sidewalks, seawalls and other CIP projects using the General Fund dollars do not have a certainty of funding in advance for preplanning purposes.

Staff explained this issue has been recognized and currently, when possible, projects are being designed prior to the year it is funded in the CIP. The goal is to have a project ready to go into bidding and construction once funding becomes available. This approach will make it

less likely that the project and funding will be abandoned. The Committee responded that having the design in place will help provide a better cost estimate, as well. Additionally, Mr. Orshefsky's outline specified membership criteria and length of term. There was some discussion whether the ITF should recommend or allow the Commission to make those determinations. It was consensus be less specific on the categories for membership. Staff will compile the substance of the membership categories into a general paragraph to allow for more flexibility.

Discussion whether a meeting should be held in March prior to the results of the election was had. Consensus was to have the March 7th meeting. Whether the bonds pass or not, there is an ongoing need for an infrastructure advisory board. **(3:42 P.M.)**

In addition, the Department of Sustainable Development is scheduled to do a presentation on the City's Comprehensive Plan as it pertains to infrastructure at the March 7th meeting.

7. Informational Items (3:42 P.M.)

A. Update on CIP Projects since November 2018

A public meeting on the resiliency efforts undertaken by the City was held on January 29th. It was well received by the Commission and the Neighbors. A copy of the presentation was requested and will be forwarded to the ITF.

The CIP presentation given in November was to inform the ITF of the projects, progress and funding being undertaken by the City. The information today updates what progress has been made since then. The presentation shows progress is being made. A progress report will be offered every quarter. (The presentation begins at 1.48.22 on the video)

B. Status of Open Audit Findings (12/31/2018) (4:18 P.M.)

It was explained that the City Auditor reviews Commission actions that involve money. Each year, it will focus on a given department to do an internal review. It may also be asked to do an internal review if issues are occurring that call for it. It does not do a report on each expenditure of the City. A certified annual financial report is compiled each fiscal year by a contracted certified public accounting firm and presented to the Commission. A link will be sent to the ITF for its review.

8. Public Comments

Paul Chettle, Citizen of Fort Lauderdale (3:34 p.m.)

Mr. Chettle pointed out there is \$2.4 Billion in master plans for water and sewer. Whether the scope changes or whether it is set up as an ongoing committee or a taskforce, bottom line, he felt it is incredibly necessary for the public to have a voice. He commended the Committee for its recommendations. He understands that the composition of members may change but bottom line, the need for an ongoing entity to represent the public is necessary.

Later in the meeting he expressed that the Committee should meet in March. He stated the past four months of meetings have addressed the politics of the group. Not holding a meeting in March and waiting for the April meeting would mean a six month time period of not discussing substantive infrastructure issues. He suggested more emphasis be placed on

substantive issues such as; stormwater implementation for the seven neighborhoods and beyond, the next \$200M in water/sewer bond funds, bridge master plan and other infrastructure concerns.

9. Adjournment – Next Regular Meeting March 7, 2019 (4:33 PM)

Motion to adjourn made by Mr. Orshefsky and seconded by Mr. Zeltman.

Motion approved unanimously by voice vote



CITY OF FORT LAUDERDALE

CITY OF FORT LAUDERDALE

WASTEWATER CONSENT ORDER PROGRAM

2018 SEMI-ANNUAL REPORT NO. 2

OGC No. 16-1487
City Project No. 12375

January 31, 2019
(revised February 5, 2019)

Hazen





CITY OF FORT LAUDERDALE

City of Fort Lauderdale Wastewater Consent Order Program 2018 Semi-Annual Report No. 2

January 31, 2019
(revised February 5, 2019)

Prepared by **Hazen**

Table of Contents

1.0 Purpose	1
2.0 Report Outline.....	1
3.0 Program Status.....	1
3.1 General	1
3.2 Overall CO Program Status	2
3.3 Fast-tracked Construction Projects.....	11
3.4 Pump Station Projects	11
3.5 Infiltration/Inflow Projects	12
3.6 Force Main Projects	14
3.7 In-Kind Project Status	14
4.0 Program Schedule	15
5.0 One-Year Look Ahead	21

List of Tables

Table 1 - Consent Order Status (Ordered by CO Paragraph)	3
Table 2 - Consent Order Status (Ordered by Completion Date).....	6
Table 3 - CO Tasks Required in Reporting Period	10
Table 4 - CO Construction Projects	10
Table 5 - Phase I Pump Station Project Status Consent Order Paragraph 6(c).....	11
Table 6 - Phase I I/I Project Status Consent Order Paragraph 6(d)	12
Table 7 - Phase II Force Main Project Status Consent Order Paragraph 6(e)	14
Table 8 - In-Kind Project Status	15
Table 9 - One-Year Look Ahead Tasks	21

List of Figures

Figure 1 – Mains Rehabilitated and Assessed, Status by Basin	13
Figure 2 – Manholes Rehabilitated and Assessed, Status by Basin.....	13

List of Appendices

Appendix A - Consent Order	
Appendix B - Construction Project Progress	

1.0 Purpose

The City of Fort Lauderdale (City) entered into Consent Order (CO) Number 16-1487 with the Florida Department of Environmental Protection (FDEP) Office of the General Council (OGC) on September 29, 2017. A copy of the CO is provided in Appendix A. The CO identified various projects (corrective actions) along with completion deadlines required to improve sanitary sewer service within the City.

Paragraph 6(o) of the CO requires that the City provide FDEP a Semi-Annual Program Progress Report on the status of the various CO deliverables, along with a projection of the work the City will perform during the subsequent 12-month period. Paragraph 6(p) of the CO requires that the City submit the Semi-Annual Report for the period July 1 through December 31 on or before January 31 each year, and on or before July 31 for the period from January 1 through June 30.

This document (2018 Semi-Annual Report No. 2) satisfies the requirements of Paragraphs 6(o) and 6(p) for the period from July 1, 2018 through December 31, 2018.

2.0 Report Outline

The Semi-Annual Report includes five sections as follows:

Section 1	Purpose	Describes the intent of the report which is to provide the status of various Program elements, to identify Program issues and to provide a plan for meeting all Program objectives.
Section 2	Report Outline	Describes the various report sections.
Section 3	Program Status	Describes the status of each Program element and provides proposed corrective action to meet all Program deadlines, as needed.
Section 4	Program Schedule	Provides an updated Program Schedule.
Section 5	One-Year Look Ahead	Describes the proposed Program tasks to be performed during the next 12-month period.

3.0 Program Status

3.1 General

CO OGC No. 16-1487 was negotiated and filed with the FDEP Clerk on September 29, 2017 (effective date). The City selected a consulting team led by Hazen and Sawyer (Hazen) as the CO Program Manager (PM). The Hazen CO Program Team will assist the City in executing the projects related to the CO.

The Consent Order contains 51 program milestones to be completed in accordance with stipulated deadlines. The required 51 milestones include five FDEP review periods and 19 Semi-Annual Report deadlines.

3.2 Overall CO Program Status

The listed CO projects, plans, assessments, and reports, along with their status, are included in Tables 1 and 2 of this report, ordered by CO paragraph number and CO required completion date, respectively.

Each table lists the item number, CO paragraph, its required completion date, scheduled or actual completion date, percent complete, and status. To date, all required Program milestone dates have been met.

Table 1 - Consent Order Status (Ordered by CO Paragraph)

Item No.	CO Paragraph	Project	Completion Date			Percent Complete ³	Status
			Required (CO) ¹	Scheduled	Actual ²		
1	6(a)	1,900 LF of 12" Las Olas	2/28/2018	-	2/28/2018	100%	Complete
2	6(b)	11,620 LF of 30"	5/31/2018	-	5/30/2018	100%	Complete
3	6(c)	Phase I PS Projects	9/30/2020	9/15/2019	-	81%	In Construction
4	6(d)	Phase I I/I Projects	9/30/2020	9/18/2020	-	43%	In Construction
5	6(e)	Phase II FM Rehabilitation Projects (Approximately 75,000 LF)	9/30/2026	7/28/2023	-	7%	On Schedule
6	6(f)	Existing Schedule Submittal	12/28/2017	-	12/22/2017	100%	Complete
7	6(g)	Submit Mapping Plan to FDEP	6/29/2018	-	6/26/2018	100%	Complete
8	6(g)	FDEP Review and Comment on Mapping Plan	7/27/2018	-	7/26/2018	-	Have not received comments from FDEP
9	6(g)	Develop Sewer System Map	6/29/2019	6/21/2019	-	25%	On Schedule
10	6(g)	Certify Mapping Complete to FDEP	6/29/2019	6/21/19	-	25%	On Schedule
11	6(h)	Submit FM Condition Assessment Plan to FDEP	7/29/18 9/4/18	-	7/26/18 9/4/18	100%	Complete. The FMCA Plan was submitted on 7/26/18 and a revised plan addressing FDEP comments was issued on 9/4/18
12	6(h)	FDEP Review and Comment on FM Condition Assessment Plan	8/28/2018	-	8/3/2018	100%	Complete
13	6(h)	Force Main Assessment Final Completion	2/3/2020	1/26/20	-	14%	On Schedule
14	6(h)	Submit Summary Report (Force Main Condition Assessment)	4/3/2020	3/26/2020	-	-	On Schedule
15	6(i)	Submit AM and CMOM Program Plan to FDEP	8/29/2018	-	8/28/2018	100%	Complete
16	6(i)	FDEP Review and Comment on AM/CMOM Plan	9/28/2018	-	9/28/2018	-	Have not received comments from FDEP
17	6(j)	Evaluate collection system capacity	5/29/2019	5/17/2019	-	27%	On Schedule
18	6(j)	Submit Summary Report to FDEP	7/29/2019	7/24/2019	-	27%	On Schedule

Table 1 - Consent Order Status (Ordered by CO Paragraph)

Item No.	CO Paragraph	Project	Completion Date			Percent Complete ³	Status
			Required (CO) ¹	Scheduled	Actual ²		
19	6(k)	Submit AM / CMOM Program to FDEP	-	3/17/2020	-	6%	The AM/CMOM Program shall be submitted within 18 months of receipt of FDEP's comments on the AM/CMOM Plan. We have not yet received comments on the Plan.
20	6(k)	FDEP Review and Comment on AM/CMOM Program	-	4/28/2020	-	-	The AM/CMOM Program shall be submitted within 18 months of receipt of FDEP's comments on the AM/CMOM Plan. We have not yet received comments on the Plan.
21	6(l)	Submit AM / CMOM Program Schedule to FDEP	-	3/17/2020	-	6%	The AM/CMOM Program Schedule shall be submitted within 18 months of receipt of FDEP's comments on the AM/CMOM Plan. We have not yet received comments on the Plan.
22	6(l)	FDEP Review and Comment on AM/CMOM Program Schedule	4/28/2020	4/28/2020	-	-	On Schedule
23	6(o,p)	Semi-Annual Report No. 1 (12/31/17)	1/31/2018	-	1/31/2018	100%	Complete
24	6(o,p)	2018 Semi-Annual Report No. 1 (6/30/18)	7/31/2018	-	7/30/2018	100%	Complete
25	6(o,p)	2018 Semi-Annual Report No. 2 (12/31/18)	1/31/2019	1/31/2019	-	-	On Schedule
26	6(o,p)	2019 Semi-Annual Report No. 1 (6/30/19)	7/31/2019	7/24/2019	-	-	On Schedule
27	6(o,p)	2019 Semi-Annual Report No. 2 (12/31/19)	1/31/2020	1/24/2020	-	-	On Schedule
28	6(o,p)	2020 Semi-Annual Report No. 1 (6/30/20)	7/31/2020	7/24/2020	-	-	On Schedule
29	6(o,p)	2020 Semi-Annual Report No. 2 (12/31/20)	1/31/2021	1/24/2021	-	-	On Schedule
30	6(o,p)	2021 Semi-Annual Report No. 1 (6/30/21)	7/31/2021	7/24/2021	-	-	On Schedule

Table 1 - Consent Order Status (Ordered by CO Paragraph)

Item No.	CO Paragraph	Project	Completion Date			Percent Complete ³	Status
			Required (CO) ¹	Scheduled	Actual ²		
31	6(o,p)	2021 Semi-Annual Report No. 2 (12/31/21)	1/31/2022	1/24/2022	-	-	On Schedule
32	6(o,p)	2022 Semi-Annual Report No. 1 (6/30/22)	7/31/2022	7/24/2022	-	-	On Schedule
33	6(o,p)	2022 Semi-Annual Report No. 2 (12/31/22)	1/31/2023	1/24/2023	-	-	On Schedule
34	6(o,p)	2023 Semi-Annual Report No. 1 (6/30/23)	7/31/2023	7/24/2023	-	-	On Schedule
35	6(o,p)	2023 Semi-Annual Report No. 2 (12/31/23)	1/31/2024	1/24/2024	-	-	On Schedule
36	6(o,p)	2024 Semi-Annual Report No. 1 (6/30/24)	7/31/2024	7/24/2024	-	-	On Schedule
37	6(o,p)	2024 Semi-Annual Report No. 2 (12/31/24)	1/31/2025	1/24/2025	-	-	On Schedule
38	6(o,p)	2025 Semi-Annual Report No. 1 (6/30/25)	7/31/2025	7/24/2025	-	-	On Schedule
39	6(o,p)	2025 Semi-Annual Report No. 2 (12/31/25)	1/31/2026	1/24/2026	-	-	On Schedule
40	6(o,p)	2026 Semi-Annual Report No. 1 (6/30/26)	7/31/2026	7/24/2026	-	-	On Schedule
41	6(o,p)	2026 Semi-Annual Report No. 12 (9/30/26)	10/31/2026	10/23/2026	-	-	On Schedule
42	8	Cost of Corrective Actions Paragraphs 6(a) - 6(l)	3/28/2018	-	3/28/2018	100%	Complete
43	8	Cost of Corrective Actions Phase II Projects	8/26/2020	7/11/2020	-	-	On Schedule
44	12	Pay Administrative Fee	10/29/2017	-	10/16/2017	100%	Complete
45	13/EX D	Submit Intent to Submit In-Kind Proposal	10/14/2017	-	10/11/2017	100%	Complete
46	13/EX D	Submit Detailed Proposal to FDEP	11/28/2017	-	11/22/2017	100%	Complete
47	13/EX D	Obtain Approval or Rejection from FDEP for In-kind Project	1/27/2018	-	5/16/2018	100%	Complete
48	13/EX D	Design/Permit/Bid/ Construct In-Kind Project	9/2/2020	7/15/2020	-	39%	On Schedule
49	13/EX D	Notify FDEP of Project Completion	9/17/2020	7/16/2020	-	-	On Schedule
50	26	Publish Notice of Consent Agreement	10/14/2017	-	10/14/2017	100%	Complete
51	26	Provide Certified Copy of Notice to FDEP	10/24/2017	-	10/17/2017	100%	Complete

1: CO deadline dates that fall a weekend or federal government holiday will be moved to the next business day.

2. For construction projects, dates in the actual column are the day of Substantial Completion. For other activities/deliverables they are defined as the date of submittal to FDEP.

3: Percent Complete is for the entire life cycle of the project, i.e. planning, design, bidding and construction through final completion.

Table 2 - Consent Order Status (Ordered by Completion Date)

Item No.	CO Paragraph	Project	Completion Date			Percent Complete ³	Status
			Required (CO) ¹	Scheduled	Actual ²		
45	13/EX D	Submit Intent to Submit In-Kind Proposal	10/14/2017	-	10/11/2017	100%	Complete
50	26	Publish Notice of Consent Agreement	10/14/2017	-	10/14/2017	100%	Complete
51	26	Provide Certified Copy of Notice to FDEP	10/24/2017	-	10/17/2017	100%	Complete
44	12	Pay Administrative Fee	10/29/2017	-	10/16/2017	100%	Complete
46	13/EX D	Submit Detailed In-Kind Proposal to FDEP	11/28/2017	-	11/22/2017	100%	Complete
6	6(f)	Existing Schedule Submittal	12/28/2017	-	12/22/2017	100%	Complete
47	13/EX D	Obtain Approval or Rejection from FDEP for In-kind Project	1/27/2018	-	5/16/2018	100%	Complete
23	6(o,p)	Semi-Annual Report No. 1 (12/31/17)	1/31/2018	-	1/31/2018	100%	Complete
1	6(a)	1,900 LF of 12" Las Olas	2/28/2018	-	2/28/2018	100%	Complete
42	8	Cost of Corrective Actions Paragraphs 6(a) - 6(l)	3/28/2018	-	3/28/2018	100%	Complete
2	6(b)	11,620 LF of 30"	5/31/2018	-	5/30/2018	100%	Complete
7	6(g)	Submit Mapping Plan to FDEP	6/29/2018	-	6/26/2018	100%	Complete
8	6(g)	FDEP Review and Comment on Mapping Plan	7/27/2018	-	7/26/2018	-	Have not received comments from FDEP
11	6(h)	Submit FM Condition Assessment Plan to FDEP	7/29/2018 9/4/18	-	7/26/18 9/4/18	100%	Complete. The FMCA Plan was submitted on 7/26/18 and a revised plan addressing FDEP comments was issued on 9/4/18
24	6(o,p)	2018 Semi-Annual Report No. 1 (6/30/18)	7/31/2018	-	7/30/2018	100%	Complete
12	6(h)	FDEP Review and Comment on FM Condition Assessment Plan	8/28/2018	-	8/3/2018	100%	Complete
15	6(i)	Submit AM and CMOM Program Plan to FDEP	8/29/2018	-	8/28/2018	100%	Complete
16	6(i)	FDEP Review and Comment on AM/CMOM Plan	9/28/2018	-	9/28/2018	-	Have not received comments from FDEP

Table 2 - Consent Order Status (Ordered by Completion Date)

Item No.	CO Paragraph	Project	Completion Date			Percent Complete ³	Status
			Required (CO) ¹	Scheduled	Actual ²		
25	6(o,p)	2018 Semi-Annual Report No. 2 (12/31/18)	1/31/2019	1/31/2019	-	-	On Schedule
17	6(j)	Evaluate collection system capacity	5/29/2019	5/17/2019	-	27%	On Schedule
9	6(g)	Develop Sewer System Map	6/29/2019	6/21/2019	-	25%	On Schedule
10	6(g)	Certify Mapping Complete to FDEP	6/29/2019	6/21/2019	-	25%	On Schedule
18	6(j)	Submit Summary Report to FDEP	7/29/2019	7/24/2019	-	27%	On Schedule
26	6(o,p)	2019 Semi-Annual Report No. 1 (6/30/19)	7/31/2019	7/24/2019	-	-	On Schedule
27	6(o,p)	2019 Semi-Annual Report No. 2 (12/31/19)	1/31/2020	1/24/2020	-	-	On Schedule
13	6(h)	Force Main Assessment Final Completion	2/3/2020	1/26/2020	-	14%	On Schedule
19	6(k)	Submit AM / CMOM Program to FDEP	-	3/17/2020	-	6%	The AM/CMOM Program shall be submitted within 18 months of receipt of FDEP's comments on the AM/CMOM Plan. We have not yet received comments on the Plan
21	6(l)	Submit AM / CMOM Program Schedule to FDEP	3/28/2020	3/17/2020	-	6%	On Schedule
14	6(h)	Submit Summary Report (Force Main Condition Assessment)	4/3/2020	3/26/2020	-	-	On Schedule
20	6(k)	FDEP Review and Comment on AM/CMOM Program	-	4/28/2020	-	-	The AM/CMOM Program shall be submitted within 18 months of receipt of FDEP's comments on the AM/CMOM Plan. We have not yet received comments on the Plan

Table 2 - Consent Order Status (Ordered by Completion Date)

Item No.	CO Paragraph	Project	Completion Date			Percent Complete ³	Status
			Required (CO) ¹	Scheduled	Actual ²		
22	6(l)	FDEP Review and Comment on AM/CMOM Program Schedule	-	4/28/2020	-	-	The AM/CMOM Program Schedule shall be submitted within 18 months of receipt of FDEP's comments on the AM/CMOM Plan. We have not yet received comments on the Plan
28	6(o,p)	2020 Semi-Annual Report No. 1 (6/30/20)	7/31/2020	7/24/2020	-	-	On Schedule
43	8	Cost of Corrective Actions Phase II Projects	8/26/2020	7/11/2020	-	-	On Schedule
48	13/EX D	Design/Permit/Bid/ Construct In-Kind Project	9/2/2020	7/15/2020	-	39%	On Schedule
49	13/EX D	Notify FDEP of Project Completion	9/17/2020	7/16/2020	-	-	On Schedule
3	6(c)	Phase I PS Projects	9/30/2020	9/15/2019	-	81%	In Construction
4	6(d)	Phase I I/I Projects	9/30/2020	9/18/2020	-	43%	In Construction
29	6(o,p)	2020 Semi-Annual Report No. 2 (12/31/20)	1/31/2021	1/24/2021	-	-	On Schedule
30	6(o,p)	2021 Semi-Annual Report No. 1 (6/30/21)	7/31/2021	7/24/2021	-	-	On Schedule
31	6(o,p)	2021 Semi-Annual Report No. 2 (12/31/21)	1/31/2022	1/24/2022	-	-	On Schedule
32	6(o,p)	2022 Semi-Annual Report No. 1 (6/30/22)	7/31/2022	7/24/2022	-	-	On Schedule
33	6(o,p)	2022 Semi-Annual Report No. 2 (12/31/22)	1/31/2023	1/24/2023	-	-	On Schedule
34	6(o,p)	2023 Semi-Annual Report No. 1 (6/30/23)	7/31/2023	7/24/2023	-	-	On Schedule
35	6(o,p)	2023 Semi-Annual Report No. 2 (12/31/23)	1/31/2024	1/24/2024	-	-	On Schedule
36	6(o,p)	2024 Semi-Annual Report No. 1 (6/30/24)	7/31/2024	7/24/2024	-	-	On Schedule
37	6(o,p)	2024 Semi-Annual Report No. 2 (12/31/24)	1/31/2025	1/24/2025	-	-	On Schedule
38	6(o,p)	2025 Semi-Annual Report No. 1 (6/30/25)	7/31/2025	7/24/2025	-	-	On Schedule
39	6(o,p)	2025 Semi-Annual Report No. 2 (12/31/25)	1/31/2026	1/24/2026	-	-	On Schedule
40	6(o,p)	2026 Semi-Annual Report No. 1 (6/30/26)	7/31/2026	7/24/2026	-	-	On Schedule

Table 2 - Consent Order Status (Ordered by Completion Date)

Item No.	CO Paragraph	Project	Completion Date			Percent Complete ³	Status
			Required (CO) ¹	Scheduled	Actual ²		
41	6(o,p)	2026 Semi-Annual Report No. 12 (9/30/26)	10/31/2026	10/23/2026	-	-	On Schedule
5	6(e)	Phase II FM Rehabilitation Projects (Approximately 75,000 LF)	9/30/2026	7/28/2023	-	7%	On Schedule

1: CO deadline dates that fall a weekend or federal government holiday will be moved to the next business day.

2. For construction projects, dates in the actual column are the day of Substantial Completion. For other activities/deliverables they are defined as the date of submittal to FDEP.

3: Percent Complete is for the entire life cycle of the project, i.e. planning, design, bidding and construction through final completion.

Five actions were completed during this report period. Table 3 lists the CO paragraph reference, the task description, the CO due date and actual completion date.

Table 3 - CO Tasks Required in Reporting Period			
CO Reference	Task Description	CO Due Date	Actual Completion Date
6(h)	Submit FM Condition Assessment Plan to FDEP	7/29/2018	7/26/18
6(o,p)	2018 Semi-Annual Report No. 1 (6/30/18)	7/31/2018	7/30/2018
6(h)	FDEP Review and Comment on FM Condition Assessment Plan	8/28/2018	8/3/2018
6(i)	Submit Asset Management (AM) and Capacity, Management, Operation and Maintenance (CMOM) Program Plan to FDEP	8/29/2018	8/28/2018
6(h)	Resubmit FM Condition Assessment Plan to FDEP addressing FDEP comments	9/4/2018	9/4/2018

The collection system construction projects specifically listed in the CO are shown in Table 4 below. A more detailed report of the progress performed the last two quarters and the anticipated progress the next two quarters is presented in Appendix B.

Table 4 - CO Construction Projects				
CO Reference	Phase	CO Exhibit	Project Description	CO Due Date
6(a)	Fast-tracked	NA	1,900 LF force main replacement at Las Olas Blvd	2/28/2018
6(b)	Fast-tracked	NA	11,620 LF Repump A force main replacement	5/31/2018
6(c)	I	A	Five (5) pump station improvements	9/30/2020
6(d)	I	B	Six (6) I/I rehabilitations	9/30/2020
6(e)	II	C	Eight (8) force main rehabilitations	9/30/2026
13	In-Kind	D	An in-kind penalty project which must be approved by the Department	9/2/2020

The In-Kind project proposal and schedule has been approved by FDEP. This project's status is described in Section 3.7 of this report.

Additional projects may be identified in the future with the completions of the Force Main Condition Assessment project (Paragraph 6(h)) and the Capacity Evaluation (Paragraph 6(j)).

3.3 Fast-tracked Construction Projects

This section is to specifically address projects listed in Paragraph 6(a) and 6(b) of the Consent Order: the force main along Las Olas Boulevard (CO Paragraph 6(a)) and the force main that connects Repump A to the force main located at the intersection SW 6th Ave and 7th Street (CO Paragraph 6(b)). FDEP has been notified of both project’s substantial and final completion. Both these projects reached their substantial completion prior to the CO deadline. The final completion of the force main along Las Olas Boulevard (CO Paragraph 6(a)) was obtained on May 30, 2018. The final completion of the force main for CO Paragraph 6(b) was completed on July 23, 2018.

3.4 Pump Station Projects

Table 5 lists five pump station repair projects required under CO Paragraph 6(c) with a completion deadline of September 30, 2020. All five projects are ahead of schedule.

Table 5 - Phase I Pump Station Project Status Consent Order Paragraph 6(c)							
Project No.	Project Name	Description	Completion Date			Percent Complete	Status
			Required (CO)	Scheduled	Actual		
454-P12124. 454-6599	Central Beach Alliance PS D-41	Replace pump station # D-41	9/30/2020	-	8/2018	95%	Substantially complete on 10/16/18. Final Completion anticipated in March 2019
454-P12202. 454-6599	Pump Station D-11	Flow analysis and design for pump station rehabilitation	9/30/2020	4/2019	-	64%	In construction
454-P12133. 454-6599	Pump Station A-13	Redirect sewer East of Federal Highway on Broward Blvd. to new Pump Station A-13	9/30/2020	9/2019	-	71%	In construction
454-P11879. 454-6599	Pump Station B-10	Rehabilitate pump station B-10	9/30/2020	3/2019	-	95%	Substantially complete on 10/23/18. Final Completion anticipated in March 2019
454-P11881. 454-6599	Pump Station D-45	Replace pump station D-45	9/30/2020	-	8/3/2018	100%	Complete

3.5 Infiltration/Inflow Projects

Table 6 lists six Infiltration/Inflow (I/I) repair projects required under CO Paragraph 6(d) with a completion date of September 30, 2020. These projects were identified during the City Sewer System Evaluation Program and contractors have been assigned the repair work. All six projects are ahead of schedule (September 2020 deadline).

Table 6 - Phase I I/I Project Status Consent Order Paragraph 6(d)					
Project No.	Project Name	Description	Completion Date		
			Required (CO)	Scheduled	Actual
454-P11563. 454-6599	Victoria Park Sewer Basin A-19	Rehabilitate main line sewers, manholes, and service laterals to reduce infiltration and inflow.	9/30/2020	9/2020	-
454-P11566. 454-6599	Rio Vista Sewer Basin D-43		9/30/2020	9/2020	-
454-P11991. 454-6599	Downtown Pump Station A-7		9/30/2020	9/2020	-
454-P12049. 454-6599	Flagler Heights Sewer Basin A-21		9/30/2020	9/2020	-
454-P12055. 454-6599	Sewer Basin A-18		9/30/2020	9/2020	-
454-P12001. 454-6599	Sewer Basin D-40		9/30/2020	-	12/2017

Figures 1 and 2 presents the status of the rehabilitation of the main lines and manholes for each of the six basins. These figures present the information of assets that have been inspected, assessed, need rehabilitation and have been rehabilitated for each basin.

Figure 1 – Mains Rehabilitated and Assessed, Status by Basin

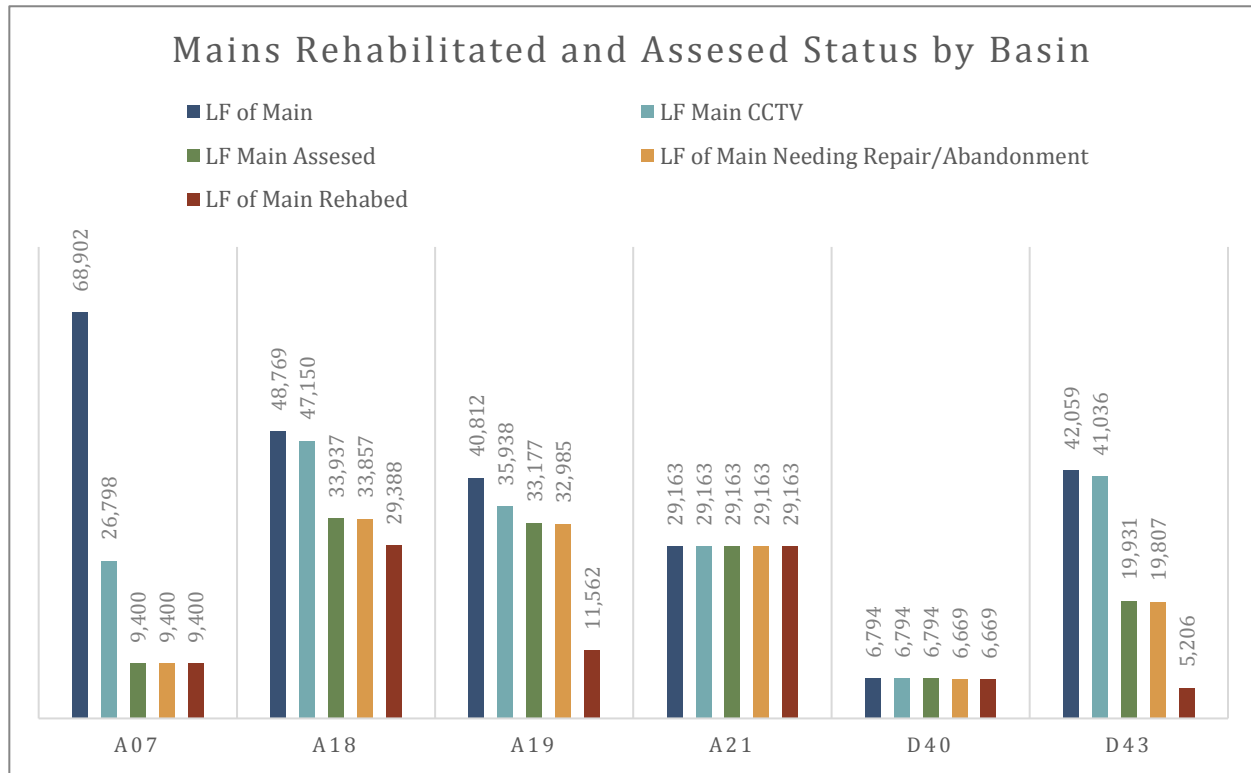
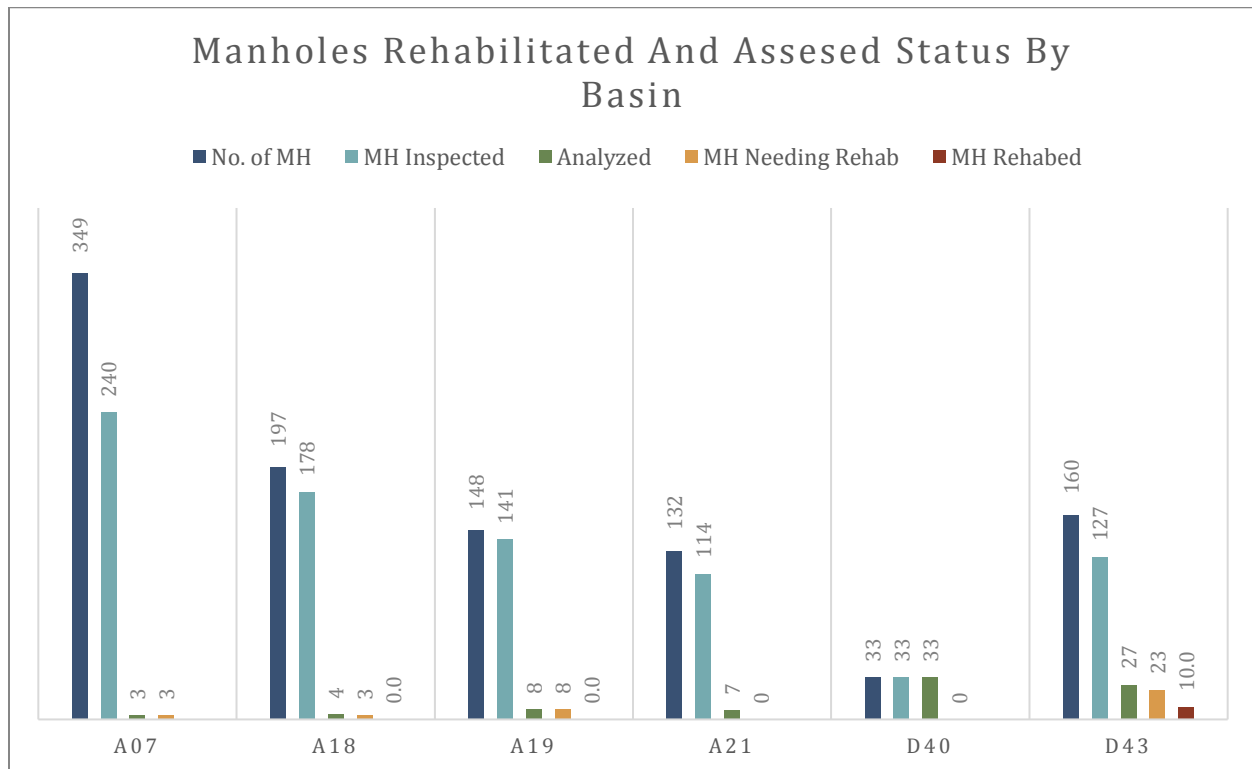


Figure 2 – Manholes Rehabilitated and Assessed, Status by Basin



3.6 Force Main Projects

Table 7 lists eight force main projects required under CO Paragraph 6(e) with a completion date of September 30, 2026; however, the Force Main Condition Assessment Report required under CO Paragraph 6(h) may modify and/or reprioritize these projects. Once the Report is completed and approved, these projects will be re-evaluated.

Table 7 - Phase II Force Main Project Status Consent Order Paragraph 6(e)			
Phase II Project Name	Description	Percent Complete	Status
NE 25th Ave. 24" Force Main	Replace or rehabilitate approx. 5,500 feet of RCP force main along NE 25th Ave.	0%	To begin design scope and fee negotiations
NE 38th St. & NE 19th St. 42" Force Main	Replace or rehabilitate approx. 8,000 feet of DIP force main along NE 38th Street and install 3,000 feet of new 24" force main along NE 19th Street.	0%	To begin design scope and fee negotiations
NW 5th St., NW 9th Ave., & W. Sistrunk Blvd. 30" Force Main	Replace or rehabilitate approx. 12,000 feet of CIP force main along NW 5th Street & NW 9th Ave., and install 6,000 feet of new 24" force main along Sistrunk Blvd.	100%	Substantial Completion on 6/15/18. 100% Complete as part of the Fast-tracked Project 6(b). Final Completion 7/23/18
SE 10th Ave. 48" Force Main	Replace or rehabilitate approx. 13,400 feet of DIP force main and install 5,400 feet of parallel new 36" force main.	0%	To begin design scope and fee negotiations
US 1 48" Force Main	Replace or rehabilitate approx. 6,000 feet of DIP force main and install 5,100 feet of parallel new 48" force main along US 1.	0%	To begin design scope and fee negotiations
Treatment Plant to Injection Wells Effluent Force Main	Replace or rehabilitate the PCCP effluent force main leading from the G.T. Lohmeyer facility to the deep injection wells.	0%	To begin design scope and fee negotiations
NW 13th St. 24" Force Main	Replace or rehabilitate approx. 3,300 feet of CIP force main along NW 13th Ave.	0%	In design scope and fee negotiations
NE 9th St. to Birch Road River Crossing 18" Force Main	Replace or rehabilitate approx. 1,000 feet of DIP force main river crossing from NE 9th Street to Birch Road.	7%	In design

In accordance with CO Paragraph 6(l)(iii), a schedule for any other projects that need to be added to Phase II, as identified by the Force Main Condition Assessment, will be submitted to FDEP 18 months after the City's receipt of FDEP's comments on the AM/CMOM Program Development Plan.

3.7 In-Kind Project Status

Paragraph 13 of the CO provides for the City to implement an additional \$501,865.50 In-Kind Project in lieu of paying civil penalties to the State. An In-Kind Project proposal in accordance with CO Exhibit D

was submitted by the City to FDEP on November 22, 2017. The project was titled “In-Kind Project Proposal: Phase II Las Olas Force Main Replacement and Modifications to PS D-38”. The project had a completion date of April 17, 2020 assuming receipt of FDEP’s approval on January 1, 2018. The City received approval of the project from FDEP on May 16, 2018. The City requested FDEP modify the project completion date to September 2, 2020 due to the delay in approval of the project. On July 12, 2018, FDEP approved the City’s request extending the project completion date to September 2, 2020.

Table 8 indicates the status of the In-Kind Program critical dates.

Table 8 - In-Kind Project Status			
Task	CO Due Date	Status	Remarks
Intent to submit In-Kind Proposal	10/14/17	Complete	Submitted 10/11/17
Submit In-Kind Proposal	11/28/17	Complete	Submitted 11/22/17
FDEP Review of Proposal	NA	Complete	FDEP approved proposal on 5/16/18
Provide requested information	15 days after request	NA	
City Proposal Revision	30 days after request	NA	
City must have approval	1/27/18	Complete	FEP approved proposal on 5/26/18
Complete Proposed Project	9/2/20	In progress	
City Pays Penalty (Project Rejected)	30 days of reject notice	NA	
Project Completion Notice	15 days after completion		Awaiting project completion
Pay Penalty (City Default)	30 days from default	NA	

4.0 Program Schedule

Figure 4 presents the overall CO Project schedule which will be updated regularly under the CO Program.

Ft. Lauderdale Sewer Program Master Program Schedule

Data Date: 31-Dec-18
Print Date: 31-Jan-19

Activity ID	Activity Name	Original Duration	Start	Finish	Total Float	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	0
						Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q
Phase 1 - Bypass Line on US-1						Phase 1 - Bypass Line on US-1													
Phase 2 - Rehab of Existing 54"						Phase 2 - Rehab of Existing 54"													
Treatment Plant to Injection Wells - Effluent Force Main (P12387)						Treatment Plant to Injection Wells - Effluent Force Main (P12387)													
COM001	Required Completion Date (CO)	0		30-Sep-26*	0	◆ Required Completion Date (CO), Required Completion Date (CO)													
Planning Phase						Planning Phase													
Design Criteria Package Phase						Design Criteria Package Phase													
Bidding Phase						Bidding Phase													
Design-Build Phase						Design-Build Phase													
Warranty Phase						Warranty Phase													
NE 9 Street to Birch Rd. River Crossing - 18" Force Main (P12389)						NE 9 Street to Birch Rd. River Crossing - 18" Force Main (P12389)													
COM001	Required Completion Date (CO)	0		30-Sep-26*	0	◆ Required Completion Date (CO), Required Completion Date (CO)													
Planning Phase						Planning Phase													
Design Criterial Package Phase						Design Criterial Package Phase													
Bidding Phase						Bidding Phase													
Design-Build Phase						Design-Build Phase													
Warranty Phase						Warranty Phase													
Paragraph 6(g) - Mapping						Paragraph 6(g) - Mapping													
Mapping Plan and Sewer Map (P12418)						Mapping Plan and Sewer Map (P12418)													
Mapping Plan						Mapping Plan													
Consent Order Milestones						Consent Order Milestones													
COM7	Submit Mapping Plan to FDEP (CO)	0		26-Jun-18A		◆ Submit Mapping Plan to FDEP (CO), Submit Mapping Plan to FDEP (CO), 26-Jun-18A													
COM8	FDEP Review and Comment (CO)	0		31-Dec-18*	-156	◆ FDEP Review and Comment (CO), FDEP Review and Comment (CO), 31-Dec-18*													
Develop Mapping Plan						Develop Mapping Plan													
Sewer Map						Sewer Map													
Consent Order Milestones						Consent Order Milestones													
COM09	Develop Sewer System Map (CO)	0		29-Jun-19*	0	◆ Develop Sewer System Map (CO), Develop Sewer System Map (CO), 29-Jun-19*													
COM10	Certify Mapping Complete to FDEP	0		29-Jun-19*	0	◆ Certify Mapping Complete to FDEP, Certify Mapping Complete to FDEP, 29-Jun-19*													
Phase I (Hazen TO #6)						Phase I (Hazen TO #6)													
Phase II (Hazen TO #10)						Phase II (Hazen TO #10)													
Paragraph 6(h) - FM Condition Assessment						Paragraph 6(h) - FM Condition Assessment													
Force Main Condition Assessment						Force Main Condition Assessment													
Consent Order Milestones						Consent Order Milestones													
COM11	Submit FM Condition Assessment Plan to FDE	0		29-Jul-18A		◆ Submit FM Condition Assessment Plan to FDEP (CO), Submit FM Condition Assessment Plan to FDEP (CO), 29-Jul-18A													
COM12	FDEP Review and Comment (CO)	0		27-Aug-18A		◆ FDEP Review and Comment (CO), FDEP Review and Comment (CO), 27-Aug-18A													
COM13	Force Main Assessment Final Completion (CC)	0		03-Feb-20*	0	◆ Force Main Assessment Final Completion (CO), Force Main Assessment Final Completion (CO), 03-Feb-20*													
COM14	Submit Summary Report (CO)	0		03-Apr-20*	0	◆ Submit Summary Report (CO), Submit Summary Report (CO), 03-Apr-20*													
FMCA Plan (Hazen TO #4)						FMCA Plan (Hazen TO #4)													
Phase I (Hazen TO #12)						Phase I (Hazen TO #12)													
Phase II & III						Phase II & III													
Paragraph 6(i) - Asset Management & CMOM Development Plan						Paragraph 6(i) - Asset Management & CMOM Development Plan													
Asset Management and CMOM Development Plan						Asset Management and CMOM Development Plan													
Consent Order Milestones						Consent Order Milestones													
COM15	Submit AM and CMOM Program Plan (CO)	0		29-Aug-18A		◆ Submit AM and CMOM Program Plan (CO), Submit AM and CMOM Program Plan (CO), 29-Aug-18A													
COM16	FDEP Review and Comment (CO)	0		28-Sep-18*		◆ FDEP Review and Comment (CO), FDEP Review and Comment (CO), 28-Sep-18*													
Asset Management and CMOM Development Plan						Asset Management and CMOM Development Plan													
Paragraph 6(j) - Capacity Evaluation						Paragraph 6(j) - Capacity Evaluation													
Capacity Evaluation						Capacity Evaluation													
Consent Order Milestones						Consent Order Milestones													
A1000-COM17	Evaluate collection system capacity (CO)	0		29-May-19*	0	◆ Evaluate collection system capacity (CO), Evaluate collection system capacity (CO), 29-May-19*													

█ Remaining Level of Effort ◆ Milestone █ All Work █ Critical Remaining W...
█ Actual Level of Effort ◆ CO Milestone █ Remaining Work █ summary

A = Actual Date
* = Constraint Date

Ft. Lauderdale Sewer Program Master Program Schedule

Data Date: 31-Dec-18
Print Date: 31-Jan-19

Activity ID	Activity Name	Original Duration	Start	Finish	Total Float	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	0																																																																																																																																		
						Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q																																																																																																																													
SAR19-COM41	2026 Semi-Annual Report No. 2 (9/30/26)	0		23-Oct-26*	0															◆ 2026 Semi-Annual Report No. 2 (9/30/26), 2026																																																																																																																																	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Program Management Office</td> <td>461</td> <td>31-Aug-18A</td> <td>04-Dec-19</td> <td>2615</td> </tr> <tr> <td>Paragraph 8 Cost of Corrective Actions</td> <td>1063</td> <td>29 Sep 17A</td> <td>26 Aug 20</td> <td>0</td> </tr> <tr> <td>Cost of Corrective Actions</td> <td>1063</td> <td>29 Sep 17A</td> <td>26 Aug 20</td> <td>0</td> </tr> <tr> <td>Consent Order Milestones</td> <td>882</td> <td>28-Mar-18A</td> <td>26-Aug-20</td> <td>0</td> </tr> <tr> <td>CA01-COM42</td> <td>0</td> <td></td> <td>28-Mar-18A</td> <td></td> </tr> <tr> <td>CA02-COM43</td> <td>0</td> <td></td> <td>26-Aug-20*</td> <td>0</td> </tr> <tr> <td>Cost of Corrective Actions</td> <td>1017</td> <td>29-Sep-17A</td> <td>11-Jul-20</td> <td>45</td> </tr> <tr> <td>CA01</td> <td>181</td> <td>29-Sep-17A</td> <td>28-Mar-18A</td> <td></td> </tr> <tr> <td>CA02</td> <td>126</td> <td>08-Mar-20</td> <td>11-Jul-20</td> <td>45</td> </tr> <tr> <td>Paragraph 12/EX D In Kind Project</td> <td>795</td> <td>14 Oct 17A</td> <td>31 Oct 20</td> <td>0</td> </tr> <tr> <td>In Kind Project (P12390)</td> <td>795</td> <td>14 Oct 17A</td> <td>31 Oct 20</td> <td>0</td> </tr> <tr> <td>COM 46</td> <td>0</td> <td></td> <td>02-Sep-20*</td> <td>0</td> </tr> <tr> <td>COM44</td> <td>0</td> <td></td> <td>14-Oct-17A</td> <td></td> </tr> <tr> <td>COM45</td> <td>0</td> <td></td> <td>28-Nov-17A</td> <td></td> </tr> <tr> <td>COM46</td> <td>0</td> <td></td> <td>27-Jan-18A</td> <td></td> </tr> <tr> <td>Planning Phase</td> <td>62</td> <td>16-May-18A</td> <td>09-Aug-18A</td> <td></td> </tr> <tr> <td>Design Criteria Package Phase</td> <td>178</td> <td>09-Aug-18A</td> <td>19-Apr-19</td> <td>-7</td> </tr> <tr> <td>Bidding and Award Phase</td> <td>286</td> <td>05-Jan-19</td> <td>17-Oct-19</td> <td>0</td> </tr> <tr> <td>Construction Phase</td> <td>294</td> <td>17-Sep-19</td> <td>31-Oct-20</td> <td>0</td> </tr> <tr> <td>Paragraph 13 Pay Administrative Fee</td> <td>0</td> <td>16 Oct 17A</td> <td>16 Oct 17A</td> <td></td> </tr> <tr> <td>Pay Administrative Fee</td> <td>0</td> <td>16 Oct 17A</td> <td>16 Oct 17A</td> <td></td> </tr> <tr> <td>COM49</td> <td>0</td> <td></td> <td>16-Oct-17A</td> <td></td> </tr> <tr> <td>Paragraph 26 Notice of Consent Agreement</td> <td>3</td> <td>14 Oct 17A</td> <td>17 Oct 17A</td> <td></td> </tr> <tr> <td>Notice of Consent Agreement</td> <td>3</td> <td>14 Oct 17A</td> <td>17 Oct 17A</td> <td></td> </tr> <tr> <td>COM50</td> <td>0</td> <td></td> <td>14-Oct-17A</td> <td></td> </tr> <tr> <td>COM60</td> <td>0</td> <td></td> <td>17-Oct-17A</td> <td></td> </tr> </table> </div> <div style="width: 50%;"> </div> </div>																				Program Management Office	461	31-Aug-18A	04-Dec-19	2615	Paragraph 8 Cost of Corrective Actions	1063	29 Sep 17A	26 Aug 20	0	Cost of Corrective Actions	1063	29 Sep 17A	26 Aug 20	0	Consent Order Milestones	882	28-Mar-18A	26-Aug-20	0	CA01-COM42	0		28-Mar-18A		CA02-COM43	0		26-Aug-20*	0	Cost of Corrective Actions	1017	29-Sep-17A	11-Jul-20	45	CA01	181	29-Sep-17A	28-Mar-18A		CA02	126	08-Mar-20	11-Jul-20	45	Paragraph 12/EX D In Kind Project	795	14 Oct 17A	31 Oct 20	0	In Kind Project (P12390)	795	14 Oct 17A	31 Oct 20	0	COM 46	0		02-Sep-20*	0	COM44	0		14-Oct-17A		COM45	0		28-Nov-17A		COM46	0		27-Jan-18A		Planning Phase	62	16-May-18A	09-Aug-18A		Design Criteria Package Phase	178	09-Aug-18A	19-Apr-19	-7	Bidding and Award Phase	286	05-Jan-19	17-Oct-19	0	Construction Phase	294	17-Sep-19	31-Oct-20	0	Paragraph 13 Pay Administrative Fee	0	16 Oct 17A	16 Oct 17A		Pay Administrative Fee	0	16 Oct 17A	16 Oct 17A		COM49	0		16-Oct-17A		Paragraph 26 Notice of Consent Agreement	3	14 Oct 17A	17 Oct 17A		Notice of Consent Agreement	3	14 Oct 17A	17 Oct 17A		COM50	0		14-Oct-17A		COM60	0		17-Oct-17A	
Program Management Office	461	31-Aug-18A	04-Dec-19	2615																																																																																																																																																	
Paragraph 8 Cost of Corrective Actions	1063	29 Sep 17A	26 Aug 20	0																																																																																																																																																	
Cost of Corrective Actions	1063	29 Sep 17A	26 Aug 20	0																																																																																																																																																	
Consent Order Milestones	882	28-Mar-18A	26-Aug-20	0																																																																																																																																																	
CA01-COM42	0		28-Mar-18A																																																																																																																																																		
CA02-COM43	0		26-Aug-20*	0																																																																																																																																																	
Cost of Corrective Actions	1017	29-Sep-17A	11-Jul-20	45																																																																																																																																																	
CA01	181	29-Sep-17A	28-Mar-18A																																																																																																																																																		
CA02	126	08-Mar-20	11-Jul-20	45																																																																																																																																																	
Paragraph 12/EX D In Kind Project	795	14 Oct 17A	31 Oct 20	0																																																																																																																																																	
In Kind Project (P12390)	795	14 Oct 17A	31 Oct 20	0																																																																																																																																																	
COM 46	0		02-Sep-20*	0																																																																																																																																																	
COM44	0		14-Oct-17A																																																																																																																																																		
COM45	0		28-Nov-17A																																																																																																																																																		
COM46	0		27-Jan-18A																																																																																																																																																		
Planning Phase	62	16-May-18A	09-Aug-18A																																																																																																																																																		
Design Criteria Package Phase	178	09-Aug-18A	19-Apr-19	-7																																																																																																																																																	
Bidding and Award Phase	286	05-Jan-19	17-Oct-19	0																																																																																																																																																	
Construction Phase	294	17-Sep-19	31-Oct-20	0																																																																																																																																																	
Paragraph 13 Pay Administrative Fee	0	16 Oct 17A	16 Oct 17A																																																																																																																																																		
Pay Administrative Fee	0	16 Oct 17A	16 Oct 17A																																																																																																																																																		
COM49	0		16-Oct-17A																																																																																																																																																		
Paragraph 26 Notice of Consent Agreement	3	14 Oct 17A	17 Oct 17A																																																																																																																																																		
Notice of Consent Agreement	3	14 Oct 17A	17 Oct 17A																																																																																																																																																		
COM50	0		14-Oct-17A																																																																																																																																																		
COM60	0		17-Oct-17A																																																																																																																																																		

█ Remaining Level of Effort ◆ Milestone █ All Work Critical Remaining W...
█ Actual Level of Effort ◆ CO Milestone Remaining Work summary A = Actual Date * = Constraint Date

5.0 One-Year Look Ahead

The CO Program Status (Table 2) and the Project Schedule (Figure 1) indicate that six CO milestones are due to be completed during the next year. These milestones are shown in Table 9 below:

Table 9 - One-Year Look Ahead Tasks			
CO Paragraph	Project	Due Date	Status
6(o,p)	2018 Semi-Annual Report No. 2 (12/31/18)	1/31/19	On Schedule
6(j)	Evaluate collection system capacity	5/29/19	On Schedule
6(g)	Develop Sewer System Map	6/28/19	On Schedule
6(g)	Certify Mapping Complete to FDEP	6/28/19	On Schedule
6(j)	Submit Summary Report to FDEP	7/27/19	On Schedule
6(o,p)	2019 Semi-Annual Report No. 1 (6/30/19)	7/31/19	PM Preparing Task Order

Appendix A

Consent Order



Florida Department of Environmental Protection

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

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

September 29, 2017

Ms. Ronda Montoya Hasan
Assistant City Attorney
Office of the City Attorney
100 N Andrews Ave.
Ft. Lauderdale, FL 33301
Via U.S. Mail

Re: Consent Order
OGC File No. 16-1487
Broward County

Dear Ms. Montoya Hasan:

Enclosed for your implementation is the fully executed Consent Order in the above-styled case. Please familiarize yourself with the compliance dates and terms of the Consent Order so the complete and timely performance of those obligations is accomplished.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Jennifer K. Smith". The signature is written in a cursive style.

Jennifer K. Smith
District Director
Southeast District

jks/ja

Enclosure

cc: Jason Andreotta, FDEP SED, Jason.Andreotta@dep.state.fl.us
Kirk White, FDEP OGC, Kirk.White@dep.state.fl.us

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA, DEPARTMENT)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION)	SOUTHEAST DISTRICT
)	
v.)	OGC FILE NO. 16-1487
)	
CITY OF FORT LAUDERDALE)	
_____)	

CONSENT ORDER

This Consent Order (Order) is entered into between the State of Florida Department of Environmental Protection (Department) and the City of Fort Lauderdale (Respondent) to reach settlement of certain matters at issue between the Department and the Respondent.

The Department finds and the 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 Consent Order.

2. The Respondent is a municipal corporation in the State of Florida and a person within the meaning of Section 403.031(5), F.S.

3. The Respondent is the owner and is responsible for the operation of the following:

a) The G.T. Lohmeyer Wastewater Treatment Plant, a 56.6 million gallons per day, pure oxygen activated sludge facility with secondary effluent disposed of via 5 deep injection wells (Facility). The Facility is operated under Wastewater Permit No. FLA041378-014 (Permit), which was issued by the Department on May 4, 2016, and will expire on September 6, 2021. The Facility is located at 1765 SE 18th Street, Fort Lauderdale, Florida, 33309, in Broward County, Florida (Property). The Respondent owns the Property on which the Facility is located.

b) The domestic wastewater collection and transmission system (Collection System) serves the Respondent and its customers. The Collection System delivers the collected wastewater to the Facility for treatment and disposal.

4. The Department makes the following findings of fact and conclusions of law to which the Respondent neither admits nor denies:

a) During the period from January 1, 2014 to the effective date of this Consent Order, the City released untreated wastewater from the Collection System into surface waters and/or groundwaters of the State as follows:

Date	Volume (gallons)
02/05/17	123,041
4/28/17	1,500
4/30/17	1,350
5/19/17	9,874
5/26/17	154,270
6/14/17	3,000
6/19/17	3,900
6/30/17	3,000
8/4/2017	2,000
8/28/2017	100,000
8/30/2017	1,000
8/31/2017	23,730

Date	Volume (gallons)
12/30/16	17,460
12/19/16	145,887
12/17/16	2,545,560
12/01/16	4,820
07/18/16	79,800
06/23/16	10,620,000
06/23/16	3,217,501
6/23/16	852,499
06/22/16	1,000
03/18/16	94,828
02/16/16	1,820,000
02/14/16	1,000
01/07/16	6,525

Date	Volume (gallons)
10/29/15	177,250
10/26/15	100,965
10/23/15	279,930
10/20/15	13,500
10/14/15	1,000
10/08/15	2,000
09/28/15	76,308
09/20/15	2,000
09/06/15	10,000
08/19/15	8,000
07/31/15	3,600
07/05/15	5,000
06/29/15	3,335
05/09/15	50,400
04/30/15	25,000
01/26/15	1,500
01/22/15	12,900

Date	Volume (gallons)
12/22/14	73,815
11/16/14	4,200
07/16/14	46,575
07/10/14	24,480
05/18/14	212,500
05/06/14	4,000
03/31/14	1,600

b) The Department finds that the foregoing releases in Paragraph 4(a) violate Rule 62-604.130, F.A.C.

5. This Consent Order has been entered into by the Respondent for the purposes of settlement only. Accordingly, neither the recitals nor the Department's findings in this Consent Order, nor the terms and conditions of this Consent Order, nor the Respondent's compliance with those terms and conditions, shall be construed in any legal or administrative action, proceeding

or litigation, as an admission that the Respondent has violated any statute, regulation, or ordinance or has otherwise committed a breach of any duty at any time, or of any fact, inference or conclusion of law.

Having reached a resolution of the matter, the Respondent and the Department mutually agree and it is hereby **ORDERED**:

6. Respondent shall comply with the following corrective actions within the stated time periods:

a) No later than February 28th, 2018, the Respondent shall replace approximately 1900 linear feet (lf) of 12” diameter force main at high risk of failure along Las Olas Blvd. The cost of this project is estimated at \$1,500,000.00.

b) No later than May 31st, 2018, the Respondent shall replace approximately 11,620 lf of failing 30” diameter force main that connects Repump Station A, located on Sistrunk Blvd, to the force main located at the intersection of SW 6th Ave and 7th St. The cost of this project is estimated at \$8,700,000.00.

c) No later than September 30th, 2020, the Respondent shall complete the pump station rehabilitation and replacement projects listed in *Exhibit A: Phase I Projects*, in order to facilitate existing flows capacity and future projected increase in demands.

d) No later than September 30th, 2020, the Respondent shall complete the infiltration/inflow (I/I) projects listed in *Exhibit B: Phase I Projects*, in order to reduce flows and lower peak demands and stresses on the system during rain events.

e) No later than September 30th, 2026, the Respondent shall complete the following force main rehabilitation projects listed in *Exhibit C of Phase II Projects*, in order to repair and/or replace the infrastructure with the highest risk of failure.

f) **Existing Schedule:** Within 90 days of the effective date of this Consent Order, the Respondent shall provide to the Department the existing schedule for repair, upgrade, or replacement of existing Collection System assets during the next 2 years, including schedules for repair, upgrade, or replacement of the existing force mains, gravity mains, isolation and other control valves, air release valves, access and conflict manholes, and pump stations.

g) **Mapping Plan:** Within 9 months of the effective date of this Consent Order, the Respondent shall submit a Plan to the Department for review and comment detailing

how the Respondent will develop a complete map of the existing Collection System within the City's geographic boundaries, including all existing or in-construction force mains, gravity mains, isolation and other control valves, air release valves, access and conflict manholes, pump stations, and directional flow routes of each of these components to pump stations and the receiving Facility. The Department will provide comments on the Mapping Plan within 30 days of submittal by Respondent. Mapping will include both existing and under-construction components. Directional flows, including flows to any alternate Facility not belonging to the Respondent, will be shown on the maps. Inactive mains and related appurtenances with shut-off valves should be illustrated and highlighted to define their unique operationally inactive status. Maps will be maintained in such a manner that they can be accessed quickly and easily by maintenance and repair crews at all times and from multiple locations, to facilitate prompt and efficient responses to emergencies. As new construction is completed, the Respondent will incorporate as-built drawings of the new components into the maps. Within 21 months of the effective date of this Consent Order, the Respondent shall certify to the Department in writing that mapping is complete in accordance with the terms of this paragraph. Respondent shall contemporaneously provide the Department with a description of the storage and retrieval methods and the availability of the maps to City field staff.

h) **Force Main Condition Assessment:** Within 10 months of the effective date of this Consent Order, the Respondent shall submit to the Department for review and comment a plan for completing an assessment of the current condition of all force mains in the collection system within the Respondent's jurisdiction, in sufficient detail that the resulting assessment can be used to schedule improvements of aging or deteriorating pipes, connections, valves, and appurtenances. The plan shall include the methods to be used and a schedule for conducting the assessment. The Department will provide comments on the Force Main Condition Assessment within 30 days of submittal by Respondent. The final completion date for the assessment shall be no later than 18 months from the date of Respondent's receipt of Department comments on the plan. Within 60 days of completion of the assessment, the Respondent shall submit to the Department a report summarizing the results of the condition assessment.

i) **Asset Management and CMOM Program Development Plan:** Within 11 months of the effective date of this Consent Order, the Respondent shall submit for

Department review and comment a plan to develop an Asset Management and Capacity, Management, Operations and Maintenance Program (AM and CMOM Program). The Department will provide comments on the AM and CMOM Plan within 30 days of submittal by Respondent. The plan shall describe how the Respondent will develop the AM and CMOM Program, including the items required in Subpara. 6(k) below, and follow the Environmental Protection Agency's (EPA) guidance in the following references, available along with additional references via www.epa.gov:

- EPA 305-B-05-002, *Guide for Evaluating Capacity, Management, Operation, and Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems*
- EPA 816-F-08-014, *Asset Management: A Best Practices Guide*

j) **Capacity Evaluation:** Within 20 months of the effective date of this Consent Order, the Respondent shall complete an evaluation of the capacity of the Collection System, including all existing force mains, gravity mains, and pump stations. 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.

k) **Asset Management and CMOM Program:** Within 18 months of Respondent's receipt of the Department's comments on the AM and CMOM Program Development Plan required in Subpara. 6(i) above, the Respondent shall submit for Department review and comment the written AM and CMOM Program for ongoing management of the Collection System. The Department will provide comments on the AM and CMOM Program within 30 days of submittal by Respondent. The Program shall be consistent with the EPA guidance referenced in Subpara. 6(i) above, and shall include the following:

- i) a description of grease trap ordinance requirements and the compliance monitoring and enforcement program conducted by the Respondent;
- ii) a description of how and when information from the mapping, capacity evaluation, force main condition assessment, manufacturer's maintenance and replacement recommendations, spill data, gravity sewer information, and other pertinent sources will be stored, periodically updated, and used in the ongoing Program;
- iii) a description of how repairs, upgrades, and replacement of

Collection System assets will be determined to be needed, prioritized, authorized, and funded, with priority given to those assets identified as critical within the City's Master Plan.

l) **Asset Management and CMOM Program Schedules:** At the time Respondent submits the Asset Management and CMOM Program to the Department for review and comment, Respondent shall also submit for Department review and approval (the Department shall provide a written response to the Respondent within 30 days of receipt) the Asset Management and CMOM Program Schedules listed below:

i) a schedule for implementing the AM and CMOM Program, including when any software upgrades or integrations needed for initial implementation of the Program will be completed and put into service, when databases the software relies upon will be populated with the information from the sources listed in 6(k)(ii) above, and when the AM and CMOM Program will be fully incorporated into planning, funding, procuring resources, and scheduling work;

ii) a schedule showing the completion date for construction of each Phase II Improvement Project identified in Exhibit C;

iii) a schedule for any other projects that need to be added to Phase II, as identified by the Force Main Condition Assessment.

m) Unless otherwise specified herein, Respondent has the right to challenge any final agency action including any determination by the Department hereunder, pursuant to Chapter 120 Fla. Stat. At the election of either the Respondent or Department, the Respondent and Department shall schedule an informal meeting to attempt a good faith resolution of any disputes that may arise under decision made hereunder; thereafter to the extent that the Respondent or Department remain aggrieved, the Department and Respondent may exercise any rights they may have under applicable statutes and administrative code rules.

n) Upon approval by the Department, the AM and CMOM Program implementation schedule and the Phase II 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 Consent Order. However, subsequent changes to schedules adopted

pursuant to this Consent Order may be modified by mutual agreement of the Parties in writing.

o) Every 6 calendar months after the effective date of this Consent Order, the Respondent shall submit to the Department a written progress report on the status and progress of projects being completed under this Consent Order, including the following information:

i) the status of compliance or noncompliance with the applicable requirements of this Consent Order, and any reasons for noncompliance;

ii) the status of each of the Phase I and II projects listed in Exhibit A, B, and C; and

iii) a projection of the work the Respondent will perform pursuant to this Consent Order during the 12-month period following the report.

p) The Respondent shall submit progress reports to the Department on or before July 31, for the period from January 1 through June 30, and on or before January 31, for the period from July 1 through December 31 each year.

7. Notwithstanding any other time periods described above, Respondent shall complete all corrective actions required by Paragraph 6 on or before September 30, 2026, and be in full compliance with Chapter 62-604, F.A.C., other than those excused delays agreed to by the Parties, as described in Paragraph 17.

8. Within 180 days of the effective date of this Consent Order, Respondent shall submit to the Department an updated written estimate of the total cost of the corrective actions in Subpara. 6(a) through 6(l), including costs of the Phase I improvements. Within 180 days of the completion of the Force Main Condition Assessment, Respondent shall submit to the Department an updated written estimate of the total cost of the Phase II projects in Exhibit C, along with the costs for any other assets in need of repairs, rehabilitation, or replacement as identified by the Force Main Condition Assessment. Each written estimate shall identify the information Respondent relied upon to provide the estimate.

9. Respondent agrees to pay to the Department stipulated penalties in the amount of \$100.00 per day for each and every day Respondent fails to comply with paragraphs 6 through 8 and 26 of this Consent Order.

10. For each day an unauthorized discharge from the Facility or the Collection System occurs during the effective period of this Consent Order, that do not qualify as Excusable

Discharges, as defined in subparagraph 10.b), below, Respondent agrees to pay stipulated penalties as follows:

a)	<u>Amount per day per Discharge</u>	<u>Discharge Volume</u>
	\$500.00	Up to 5,000 gallons
	\$1,000.00	5,001 to 10,000 gallons
	\$2,500.00	10,001 to 25,000 gallons
	\$5,000.00	25,001 to 100,000 gallons
	\$10,000.00	In Excess of 100,000 gallons

b) The Department will evaluate each spill on a case-by-case basis to determine whether the spill was beyond Respondent's reasonable control; whether Respondent is exercising prudent wastewater utility practices to reduce the frequency of spills; and whether Respondent took timely and appropriate actions to reduce the environmental impact of the spill(s). A stipulated penalty will be applied to any spill where Respondent fails to provide the Department with sufficient information to demonstrate that the spill qualifies as an Excusable Discharge. For the purposes of this Order, an Excusable Discharge is a spill that resulted from a temporary, infrequent incident that was beyond the reasonable control of Respondent.

Excusable Discharges include, but are not limited to the following:

i) Extraordinary acts of nature, including but not limited to, rainfall equal to or 6 inches of rain in a 24-hour period, hurricanes, tropical storms, extreme high-tide events, tornadoes, wild fires, lightning strikes, or events where a State of Emergency is declared;

ii) Actions by third parties unrelated to Respondent, including construction accidents, vehicular accidents, or vandalism; actions related to a contractor acting on behalf of Respondent is not an Excusable Discharge.

iii) Blockages that could not be prevented by reasonable measures and due diligence;

iv) Unexpected sudden structural, mechanical, or electrical failure that could not be avoided by reasonable measures and due diligence; and

v) Spills that are attributable to parts of the Collection System that are undergoing rehabilitation that could not be avoided by reasonable measures and due diligence.

11. The Department may demand stipulated penalties on an annual basis at any time after violations occur beginning upon the effective date of this Order. Respondent shall pay

stipulated penalties owed within 60 days of the Department's issuance of written demand for payment, and shall do so as further described in paragraph 14, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Consent Order. Any stipulated penalties assessed under this Paragraph shall be in addition to civil penalties agreed to in Paragraph 12 of this Order.

12. Within 90 days of the effective date of this Order, Respondent shall pay the Department \$339,577.00 in settlement of the regulatory matters addressed in this Consent Order. This amount includes \$334,577.00 for civil penalties and \$5,000.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order.

13. In lieu of making cash payment of \$334,577.00 in civil penalties as set forth in Paragraph 12 above, Respondent may elect to off-set this amount by implementing an in-kind penalty 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 civil penalty off-set amount, which in this case is the equivalent of at least \$501,865.50. If Respondent chooses to implement an in-kind project, Respondent shall notify the Department of its election by certified mail within 15 days of the effective date of this Consent Order. If Respondent elects to implement an in-kind project as provided in this Paragraph, then Respondent shall comply with all the requirements and time frames in Exhibit D entitled In-Kind Projects. Notwithstanding the election to implement an in-kind project, payment of the remaining \$5,000.00 in costs must be paid within 30 days of the effective date of this Consent Order.

14. Respondent shall make all payments required by this Consent Order by cashier's check, money order, City check or on-line payment. Cashier's check, money order, or City check shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Consent Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal: <http://www.fldepportal.com/go/pay/>. It will take several days after this Order is final, effective,

and filed with the Clerk of the Department before ability to make online payment is available.

15. Except as otherwise provided, all submittals required by this Order shall be submitted via email at sed.wastewater@dep.state.fl.us, or sent to Wastewater Compliance Assurance Program, Department of Environmental Protection, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, FL 33406.

16. Respondent shall allow all authorized representatives of the Department access to the Facilities and the Properties at reasonable times for the purpose of determining compliance with the terms of this Consent Order and the rules and statutes administered by the Department.

17. 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 Consent 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 of the event 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 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.

18. The Department, for and in consideration of the complete and timely performance

by Respondent of all the obligations agreed to in this Consent Order, hereby 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 Consent Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Consent Order.

19. This Consent Order is a settlement of the Department's civil, administrative, and delegated authority arising under Chapter 403, Florida Statutes, to resolve the matters addressed herein. This Consent 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 Consent Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

20. 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 Consent Order.

21. Respondent is fully aware that a violation of the terms of this Consent Order may subject Respondent to judicial imposition of damages, civil penalties up to \$10,000.00 per day per violation, and criminal penalties.

22. 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 other than a dispute as described in paragraph 6(l).. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.

23. 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.

24. The terms and conditions set forth in this Consent 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.

25. 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.

26. Respondent shall publish the following notice in a newspaper of daily circulation in Broward County, Florida. The notice shall be published one time only within 15 days of the effective date of the Consent 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 AGREEMENT

The Department of Environmental Protection (“Department”) gives notice of agency action of entering into a Consent Order with the City of Fort Lauderdale, pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses alleged unpermitted wastewater and effluent discharges from the City’s wastewater facilities and associated wastewater collection/transmission systems to State waters, and the implementation plan to minimize further discharges. 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, Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926.

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 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 Florida Department of Environmental Protection, Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926. 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.

27. Rules referenced in this Order are available at:

<http://www.dep.state.fl.us/legal/Rules/rulelist.htm>.

CITY OF FORT LAUDERDALE

ATTEST:




Jeffrey A. Modarelli, City Clerk
City Clerk


John P. "Jack" Seiler, Mayor
Mayor

(SEAL)



Lee R. Feldman, City Manager

Approved as to Legal Form


Rhonda Montoya Hasan
Assistant City Attorney

DONE AND ORDERED this # day of Month, 2017, in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Jennifer K. Smith
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

9/29/17
Date

Copies furnished to:
Lea Crandall, Agency Clerk

Mail Station 35

EXHIBIT A
Phase I Projects

Project #	Phase I Project Name	Description	Preliminary Cost Estimate
454-P12124.454-6599	Central Beach Alliance PSD41	Replace pump station #PSD41	\$2,200,000
454-P12202.454-6599	Pump Station D-11	Flow analysis & design for pump station rehabilitation	\$500,000
454-P12133.454-6599	Pump Station A-13	Redirect E of F for pump station A-13	\$2,100,000
454-P11879.454-6599	Pump Station B-10	Rehabilitate pump station B-10	\$1,500,000
454-P11881.454-6599	Pump Station D-45	Replace pump station D-45	\$525,000
Preliminary Cost Estimate for Phase I Projects listed here			\$6,825,000

EXHIBIT B
Phase I Projects

Project #	Phase I Project Name	Description	Preliminary Cost Estimate
454-P11563.454-6599	Victoria Park Sewer Basin A-19	Rehabilitate main line sewers, manholes, and service laterals to reduce infiltration & inflow	\$5,352,000
454-P11566.454-6599	Rio Vista Sewer Basin D-43	Rehabilitate main line sewers, manholes, and service laterals to reduce infiltration & inflow	\$2,960,000
454-P11991.454-6599	Downtown Pump Station A-7	Rehabilitate main line sewers, manholes, and service laterals to reduce infiltration & inflow	\$8,224,000
454-P12049.454-6599	Flagler Heights Sewer Basin A-21	Rehabilitate main line sewers, manholes, and service laterals to reduce infiltration & inflow	\$883,000
454-P12055.454-6599	Sewer Basin A-18	Rehabilitate main line sewers, manholes, and service laterals to reduce infiltration & inflow	\$4,198,000
454-P12001.454-6599	Sewer Basin D-40	Rehabilitate main line sewers, manholes, and service laterals to reduce infiltration & inflow	\$100,000
Preliminary Cost Estimate for Phase I Projects listed here			\$21,717,000

EXHIBIT C
Phase II Projects

Phase II Project Name	Description	Preliminary Cost Estimate*
NE 25 th Ave. 24" Force Main	Replace or rehabilitate approx. 5,500 feet of RCP force main along NE 25 th Ave.	\$6,387,000
NE 38 th St & NE 19 th Street 42" Force Main	Replace or rehabilitate approx. 8,000 feet of DIP force main along NE 38 th Street, and install 3,000 feet of new 24" force main along NE 19 th Street	\$9,326,000
NW 5 th St., NW 9 th Ave., & W. Sistrunk Blvd. 30" Force Main	Replace or rehabilitate approx. 12,000 feet of CIP force main along NW 5 th St. & NW 9 th Ave., and install 6,000 feet of new 24" force main along Sistrunk Blvd.	\$11,769,000
SE 10 th Ave. 48" Force Main	Replace or rehabilitate approx. 13,400 feet of DIP force main, and install 5,400 feet of parallel new 36" force main	\$17,746,000
US 1 48" Force Main	Replace or rehabilitate approx. 6,000 feet of DIP force main, and install 5,100 feet of parallel new 48" force main along US 1	\$6,910,000
Treatment Plant to Injection Wells Effluent Force Main	Replace or rehabilitate the PCCP effluent force main leading from the G.T. Lohmeyer facility to the deep injection wells	\$3,142,000
NW 13 th Ave. 24" Force Main	Replace or rehabilitate approx. 3,300 feet of CIP force main along NW 13 th Ave.	\$1,914,000
NE 9 th St. to Birch Rd River Crossing 18" Force Main	Replace or rehabilitate approx. 1,000 feet of DIP force main river crossing from NE 9 th Street to Birch Road	\$434,000
Preliminary Cost Estimate for Phase II Projects listed here*		\$57,628,000

* Preliminary costs assume complete replacement. The Force Main Assessment will determine work to be done on each project.

EXHIBIT D
In-Kind Projects

A. Within sixty (60) days of the effective date, the City 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.

B. 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, The City shall submit, by certified mail, all requested additional information, clarification, and modifications within fifteen (15) days of receipts of written notice.

C. 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; The City shall be notified, in writing, of the reason(s) which prevent the acceptance of the proposal. The City shall correct and redress all of the matters at issue and submit, by certified mail, a new proposal within thirty (30) days of receipt of written notice. In the event that the revised proposal is not approved by the Department, The City shall make cash payment of the civil penalties as set forth in Paragraph 12 of this Consent Order, within thirty (30) days of Department notice.

D. Within one-hundred twenty (120) days of the Effective Date, the City shall obtain approval for an in-kind project from the Department. If an in-kind project proposal is not approved by the Department within one-hundred twenty (120) days of the Effective Date, then The City shall make cash payment of the civil penalties as set forth in Paragraph 12 of this Consent Order, within thirty (30) days of Department notice.

E. Within one-hundred eighty (180) days of obtaining Department approval for the in-kind proposal or in accordance with the approved schedule submitted pursuant to Paragraph A above, The City shall complete the entire in-kind project.

F. During the implementation of the in-kind project, The City shall place appropriate sign(s) at the project site indicating that The City's involvement with the project is the result of a

Department enforcement action. The City may remove the sign(s) after the project has been completed. However, after the project has been completed the City shall not post any sign(s) at the site indicating that the reason for the project was anything other than a Department enforcement action.

G. In the event the City 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 City to the Department within thirty (30) days of Department notice. If the in-kind penalty project is terminated and The City timely remits the \$334,577.00 penalty, no additional penalties shall be assessed under Paragraph 11 of this Consent Order for failure to complete the requirement of this paragraph.

H. Within fifteen (15) days of completing the in-kind project, the City shall notify the Department, by certified mail, of the project completion and request a verification letter from the Department. The City 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.

I. 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, The City shall be notified, in writing, of the reason(s) which prevent the acceptance of the project. The City shall correct and redress all of the matters at issue and submit, by certified mail, a new notification of completion within fifteen (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 City to the Department within thirty (30) days of Department notice. If the in-kind penalty project is terminated and the City timely remits the \$334,577.00, no additional penalties shall be assessed under Paragraph 11 of this Consent Order for failure to complete the requirements of this paragraph.

Appendix B

Construction Project Progress

CO Paragraph No.	Project Name	Project Description	Action Completed During this last two Quarters	Anticipated Actions to Be Performed in the next Two Quarters
Fast Tracked				
6a	Las Olas Force Main Repair E. Las Olas 12" Force Main Replacement	1,900 LF Force Main replacement at Las Olas Blvd.	Project achieved Final Completion on May 17, 2018.	Project completed.
6b	Emergency Repair 30" Force Main – Phase I (3,200 LF) and Phase IV (8,000 LF)	11,200 LF Force Main replacement at Sistrunk Blvd.	Project achieved Final Completion July 23, 2018.	Project completed.
Phase I Pump Station Projects				
6c	Central Beach Alliance PS D-41	New sanitary sewer pump station which will replace the existing PS D-41 located along N. Birch Road between Rio Mar and Bayshore Drive.	Substantial Completion was achieved on October 16, 2018.	Continue construction activities. Complete punch list items in January 2019 and achieve Final Completion in March 2019.
6c	Isle of Venice Pump Station D-11 Flow Analysis & Redesign	Rehabilitation of Pump Stations D-10 and D-11.	Installation of new gravity sewers, manholes, valve vault, wet well top slab, pumps and mechanical equipment.	Installation of electrical equipment, station startup, substantial and final completion by February 2019.
6c	A-13 New Pump Station, Sewer Redirection – East of Federal Highway	Design and construction to remove or divert all A-7 sewer flow from East of Federal Highway to an alternate or new pump station to relieve the capacity issues associated with both current and future development in the A-7 basin.	Continued construction activities. Construction has been stymied by utility conflicts and substantial completion was extended.	Adding additional scope to the project and anticipate substantial completion in September 2019.
6c	Pump Station B-10 Imperial Point Rehabilitation	Rehabilitate Pump Station B-10.	Substantial Completion was achieved on October 23, 2018. Additional work was identified for noise and vibration reduction extending final completion.	Complete additional construction activities. Complete punch list items by the end of the first quarter of 2019 and achieve Final Completion.
6c	Harbor Beach Pump Station D-45 Replacement	Replacement of existing shone ejector pump station with a new prefabricated duplex submersible station.	Final completion was reached on August 3, 2018. A Notification of Completion Letter was submitted to FDEP on August 22, 2018.	Project completed.

CO Paragraph No.	Project Name	Project Description	Action Completed During this last two Quarters	Anticipated Actions to Be Performed in the next Two Quarters
Infiltration/Inflow Projects				
6d	Victoria Park Basin A-19 Rehabilitation	Rehabilitation main line sewers, manholes, and service laterals to reduce infiltration & inflow.	Task Order issued for lining approximately 12,000 LF of main and rehab of approximately 500 laterals. Manhole inspections ongoing.	Continue rehab projects. Assess rehabilitation needs of approximately 8,000 LF of mains and laterals South of NE 7 th Street. Smoke testing and completion of manhole inspections.
6d	Rio Vista Basin D-43 Rio Vista Sewer Basin D-43 Rehabilitation	Rehabilitation main line sewers, manholes, and service laterals to reduce infiltration & inflow.	Task Order issued for rehabilitation of approximately 8,000 LF of main, 140 laterals, and 10 manholes. Manhole inspections ongoing.	Continue rehab projects. Assess rehabilitation needs of approximately 25,000 LF of main and laterals in the West side of the basin. Smoke testing and completion of manhole inspections.
6d	Downtown Basin A7 Downtown Sewer Basin PS A-7 Rehabilitation	Rehabilitation main line sewers, manholes, and service laterals to reduce infiltration & inflow.	Continued CCTV project to video approximately 25,000 LF of mains and laterals West of Federal Highway. Manhole inspections ongoing.	Upcoming bid for CCTV of approximately 30,000 LF of mains and laterals East of Federal Highway. Assess rehabilitation needs of approximately 25,000 LF of mains and laterals in the East side of the basin. Smoke testing and completion of manhole inspections.
6d	Flagler Heights Sewer Basin A-21 Laterals	Rehabilitation main line sewers, manholes, and service laterals to reduce infiltration & inflow.	Rehab of approximately 700 LF of mainline and 50 laterals. Manhole inspections ongoing.	Smoke testing and completion of manhole inspections.
6d	Dorsey-Riverbend Sewer Basin A-18 Sanitary Sewer Collection System Rehabilitation	Rehabilitation main line sewers, manholes, and service laterals to reduce infiltration & inflow.	Rehab of approximately 1,500 LF of mainline and 275 laterals. Task Order issued for lining of approximately 2,500 LF of main, rehab of approximately 100 laterals, and rehab of 16 manholes. Manhole inspections ongoing.	Continue rehab projects. Assess rehabilitation needs of approximately 15,000 LF of mains and laterals in the NE quadrant of the basin. Smoke testing and completion of manhole inspections.
6d	Central Beach Alliance Sewer Basin D-40 Rehabilitation	Rehabilitation main line sewers, manholes, and service laterals to reduce infiltration & inflow.	Project Completed.	Project Completed.

CO Paragraph No.	Project Name	Project Description	Action Completed During this last two Quarters	Anticipated Actions to Be Performed in the next Two Quarters
Phase II Projects				
6e	NE 25 th Ave 24" Force Main	Replace or rehabilitate approx. 5,500 feet of DIP force main along NE 25 th Ave.	Project in planning phase.	Negotiate project task order. Consultant to develop the design criteria package for this project that will be delivered via design-build.
6e	NE 38 th St & NE 19 th St 42" forcemain	Replace or rehabilitate approx. 8,000 feet of DIP force main along NE 38 th Street and install 3,000 feet of new 24" force main along NE 19 th Avenue.	Project in planning phase.	Negotiate project task order. Consultant to develop the design criteria package for this project that will be delivered via design-build.
6e	NW 5 th St NW 9 th Ave & W. Sistrunk Blvd 30" Force Main	Replace or rehabilitate approx. 12,000 feet of CIP force main along NW 5 th St & NW 9 th Ave, and install 6,000 feet of new 30" force main along Sistrunk Blvd.	Project achieved Final Completion July 23, 2018.	Project completed.
6e	SE 10 th Ave 48" Force Main	Replace or rehabilitate approx. 13,400 feet of DIP force main and install 5,400 feet of parallel new 36" force main.	No update. Awaiting analysis from the Force Main Condition Assessment.	Complete Force Main Condition Assessment to define the scope of the project.
6e	US1 48" Force Main	Replace or rehabilitate approx. 6,000 feet of DIP force main and install 5,100 feet of parallel new 48" force main along US1.	No update. Awaiting analysis from the Force Main Condition Assessment.	Complete Force Main Condition Assessment to define the scope of the project.
6e	Treatment Plant to Injection Wells Effluent Force Main	Replace or rehabilitate the PCCP effluent force main leading from the G.T. Lohmeyer facility to the deep injection wells.	No update. Awaiting analysis from the Force Main Condition Assessment.	Complete Force Main Condition Assessment to define the scope of the project.
6e	NW 13 th Ave 24" Force Main	Replace or rehabilitate approx. 3,300 feet of CIP force main along NW 13 th Ave.	Began to negotiate task order for the preparation of the design criteria package as this project will be delivered via design-build.	Begin and complete the design criteria package and begin solicitation for Request for Proposals from design-build firms.
6e	NE 9 th St to Birch Rd River Crossing 18" Force Main	Replace or rehabilitate approx. 1,000 feet of DIP force main river	Draft design criteria package was received and reviewed.	Finalize the design criteria package and advertise the project.

CO Paragraph No.	Project Name	Project Description	Action Completed During this last two Quarters	Anticipated Actions to Be Performed in the next Two Quarters
		crossing from NE 9 th Street to Birch Road.		
In Kind Project				
13/EX D	Phase II Las Olas Boulevard Force Main Replacement and Modifications to Pump Station D-38	Replace approx. 3,100 feet of force main on Las Olas Boulevard from Lido Drive to Merle Fogg Park and upgrade Pump Station D-38's wet well, electrical panels, and pumps.	Negotiated and approved design task order to prepare the design criteria package for the force main replacement that will be delivered via design-build and design documents for PS D-38 that will be delivered via design-bid-build. Issued Notice-to-Proceed on the design criteria package on August 9, 2018. Began and completed the draft design criteria package for the force main replacement and the 60% design submittal for PS D-38.	Complete force main design criteria package and bring design build firm under contract. Complete PS-38 design documents and bid job. Complete the final design criteria package for the force main replacement and the final design for PS D-38. Begin procurement of a design-build firm for the force main replacement. Begin procurement of a contractor for the upgrades to PS D-38.