



# Florida Department of Environmental Protection

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

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Jonathan P. Steverson  
Secretary

March 25, 2016

*ELECTRONIC MAIL*  
[laurigemma@rivierabch.com](mailto:laurigemma@rivierabch.com)

Mr. Louis C. Aurigemma, P.E.  
Executive Director  
City of Riviera Beach Utility District  
600 W. Blue Heron Boulevard  
Riviera Beach, FL 33419

**OGC File No.15-0459**  
Facility ID# FLA041360

RE: STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL  
PROTECTION VS. CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT

Dear Mr. Aurigemma:

Enclosed for your files is the fully executed and filed Long Form Consent Order in the above-styled case.

As was explained during our January 27, 2016 meeting, the City of Riviera Beach Utility Special District may elect to implement an in-kind penalty project. The value of the project must be one and a half times the civil penalty off-set amount, which in this case is the equivalent of at least \$36,600.00. The City must submit a detailed description of the proposed in-kind project, including a comprehensive timeline regarding the projects schedule and proposed budget **for the Department to review and approve**, prior to going out for bids for **any** phase of the project. If the Respondent chooses to implement an in-kind project, Respondent shall notify the Department of its election by electronic mail within **15-days** of the effective date of this Consent Order.

Notwithstanding the election to implement an in-kind project, payment of the remaining \$2,000.00 in costs must be paid within **30-days** of the effective date of this Consent Order.



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. 15-0459 |
|                             | ) |                      |

CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT

600 W. BLUE HERON BLVD.

RIVIERA BEACH, FL 33419

[Email: laurigemma@rivierabch.com](mailto:laurigemma@rivierabch.com)

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**CONSENT ORDER**

This Consent Order (“Order”) is entered into between the State of Florida Department of Environmental Protection (“Department”) and the City of Riviera Beach Utility Special District (CRBUSD) (“Respondent”) to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida’s air and water resources and to

administer and enforce the provisions of Chapter 403, Florida Statutes ("F.S."), and the rules promulgated and authorized in Title 62, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Order.

2. Respondent is a person within the meaning of Section 403.031(5), F.S.

3. Respondent is the owner and is responsible for the operation of the City of Riviera Beach Utility Special District, owns and operates a wastewater collection and transmission system within its service area. The wastewater collection system includes piping (approximately 169 miles) and manholes (approximately 2,600) that convey wastewater via gravity from connections with houses, businesses, etc. to lift stations that are owned by the CRBUSD. There are 51 CRBUSD owned wastewater lift stations within the service area. The wastewater lift stations convey the wastewater (via force mains) further downstream in the system until it ultimately reaches the East Central Regional Water Reclamation Facility (ECRWRF) for treatment. The ECRWRF is owned by its five contributing local governments and operated by the City of West Palm Beach. The CRBUSD's wastewater collection and transmission system receives wastewater from the City of Riviera Beach, Town of Palm Beach Shores, the Town of Mangonia Park, the Port of Palm Beach and Florida Power and Light. The Facility is operated under East Central Region Wastewater Permit No. FLA041360 ("Permit"), which was issued on April 15, 2011 and will expire on April 14, 2016. The Riviera Beach Utility District's Facility is located at 600 West Blue Heron Blvd. in Riviera Beach, in unincorporated Palm Beach County, Florida ("Property"). Respondent owns the Property on which the Facility is located.

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

a) The City of Riviera Beach Utility Special District ("Respondent") from May 16, 2015, through July 28, 2015, experienced two sanitary sewer overflows (SSOs). The total amount of wastewater reported spilled for these two SSOs was 33,000 gallons; resulting in

eight days of water quality violations. **A violation of Rule 62-302.530(6) Florida Administrative Code.**

b) From May 16, 2015, through July 28, 2015, the City of Riviera Beach Utility Special District experienced two sanitary sewer overflows (SSOs). Water quality samples were collected on nine separate days resulting in water quality violations. **A violation of Rule 62-604.130(1), Florida Administrative Code.**

c) The utilities sole method of cleanup from the May 19, 2015, spill was to wash the wastewater into the nearby storm drains. **A violation of Rule 62-604.130(1), Florida Administrative Code.**

d) On Sunday, July 26, 2015, Lift Station #12 was left inoperable due to a phase motor failure. As a result of this motor failure the manhole at Avenue T and West 30<sup>th</sup> Street was *discovered overflowing at noon on Tuesday, July 28, 2015.* **A violation of Rule 62-604.500(3), Florida Administrative Code.**

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

**ORDERED:**

5. Within 30-days the respondent shall comply with the following corrective actions:

a) Demonstrate to FDEP/SED that internal notification protocols will ensure

immediate internal chain of notification is followed; i.e. see item (b) below.

b) Designate one or more employee(s) as point of contact for sanitary sewer overflows who must meet the following criteria:

1) Provide 24-hour/7-day a week coverage; on-call staff must be physically

present in the community in order to arrive at a sanitary sewer overflow within 30-minutes of notification.

2) Have the authority including but not limited to: response staff to order resources, have access to keys, maps of the sewer system, equipment - Vac trucks, aerators, Notifications such as: do not swim/fish signs, door hangars/placards, Lime (calcium carbonate or calcium magnesium carbonate) or HTH - {bleach or granular chlorine compounds may only be used for hard surfaces,} turbidity control curtains, absorbent booms to barricade the storm drains from wastewater, etc. The said Point of Contact must have the authority and the up to date contact information and the power to activate contacting contractors and mutual aide partners who can provide assistance. Select and train those employees who will provide traffic control and who will post "RAW SEWAGE" signs along waterways and distribute placards/door hangars in appropriate language throughout affected section of town.

3) Have within the City of Riviera Beach Utility Special District at least two **working** aerators, at all times, and accessible with a means to effectively provide a power supply for the aerators, as well as an adequate supply of Lime (calcium carbonate or calcium magnesium carbonate) or HTH - {bleach or granular chlorine compounds may only be used for **hard surfaces**}.

4) Locate all paper maps of both sanitary sewer lines and storm sewers systems within the Riviera Beach Utility Special District jurisdiction, including, but not limited to flow control devices, such as valves, pumps and gates. Train staff how to convert these paper maps to digital maps; training must include Global Positioning System (GPS) technology for collecting Geographic Information System (GIS) data. Deploy field crews to verify locations of these assets, and to obtain high quality spatial GPS data coordinates of these assets. *(High quality means utilizing mapping/resource grade GPS receivers with an accuracy of one to*

*five meters after differential correction, within a 95% level of confidence*). Collect GPS coordinates of all of the utility's lift stations and manually draw the force mains using record drawings. Collect GPS coordinates of the critical valves; once the valves have been located, the force main locations can be revised utilizing GIS to perfectly match the valve locations. Assign dedicated GPS units to field inspectors and the Vac Truck crew. Require crew members to collect GPS coordinates of key assets when conducting routine inspections and preventative maintenance tasks. Require that field personnel capture the GPS coordinates during excavation activities of underground assets. Require that drawings for all new assets being turned over to the utility, be provided in a CAD or GIS format so they can easily be integrated into the GIS system. Assign collection crews laptops for use in utility vehicles for the purpose of accurately locating sanitary sewer lines, storm sewers and the waterways in which these systems flow. Therefore, utility staff will no longer need to return to the office to find "paper" maps, instead they will simply open a laptop and easily identify the proper asset.

5) Meet 24-hour response time in contacting SWO, FDEP and DOH during all Sanitary Sewer Overflow events, and

a) Utilize the Florida Rural Water Association's "Sanitary Sewer Overflow Response Plan" to prepare a draft SORP for FDEP/SED to review and approve. No less than one month after receipt of this Consent Order provide proof that the utility has utilized the free copy of the Florida Rural Water Association's "Sanitary Sewer Overflow Response Plan" To be used in drafting Riviera Beach Utility Special District's detailed SORP to be approved by FDEP/SED. Provide documentation of communications between FRWA staff assisting RBUD in drafting of Sanitary Sewer Overflow Response Plan.

Once approved, revise this plan as needed and review annually. {See appendix A as an example}>

b) One month after receipt of this Consent Order a simplified one page Sewer Overflow Response Plan (SORP) must be drafted and submitted to FDEP/SED for approval; And upon approval to be used as a laminated guide, placed in every utility vehicle and on all communication officers' desks. Once approved, this plan must be reviewed and be revised annually. [See appendix B as an example.]

c) Provide initial Sanitary Sewer Overflow Response training or all employees and new hires, conduct Quarterly Sanitary Spill Response training for all employees. For each piece of response equipment, train multiple response staff capable of operating the necessary equipment; including but not limited to, vactor trucks, aerators and generators. All response employees must be trained on the remediation procedures such as, proper application/use of HTH, bleach or granular chlorine and the disposal of wastewater materials removed from all sanitary sewer overflows; provide FDEP/SED with proof of such remediation course work, i.e. including but not limited to, course content, sign in sheets, photos, certifications.

d) Identify the languages of the citizens within the CRBUSD community and select a multi-lingual public relations utility representative to assist in educating utility customers (in their native languages) regarding sanitary sewer overflows and how to protect their health and properties. Public Relations messages may be in the form of: waterway signs, roadway signs, door hangers, fact sheets, flyers, phone calls or radio spots, newsletters, bill stuffers, exhibits at festivals, and press releases.

e) Every calendar quarter after the effective date of this Order, Respondent shall submit in writing to the Department a report containing



information concerning the status and progress of projects being completed under this Order, information as to compliance or noncompliance with the applicable requirements of this Order, and any reasons for noncompliance. These reports shall also include a projection of the work to be performed pursuant to this Order during the 12-month period which will follow the report. These reports shall be submitted to the Department within 30 days following the end of the quarter.

f) Contacting Denise K. Watts, the Department's Domestic Wastewater Compliance Inspector, by telephone (561) 681-6701, e-mail [denise.watts@dep.state.fl.us](mailto:denise.watts@dep.state.fl.us), **before** initiating the plans described in subparagraphs (a) through e) of this paragraph.

6. Every calendar quarter after the effective date of this Order and continuing until all corrective actions have been completed, Respondent shall submit to the Department a written report containing information about the status and progress of projects being completed under this Order, information about compliance or noncompliance with the applicable requirements of this Order, including construction requirements and effluent limitations, and any reasons for noncompliance. These reports shall also include a projection of the work Respondent will perform pursuant to this Order during the 12-month period which will follow the report. Respondent shall submit the reports to the Department within 30 days of the end of each quarter.

7. Within 15 days of the effective date of this Order, Respondent shall submit to the Department a detailed Operation and Maintenance Performance Report meeting all of the requirements of Rule 62-600.735, F.A.C.

8. Within 30 days of the effective date of this Order, Respondent shall submit an Initial Capacity Analysis Report for the Facility meeting all of the requirements of Rule 62600.405, F.A.C.

9. Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all corrective actions required by paragraphs 5 within one year of the effective date of this Order and be in full compliance with Rule 62-604.550(2)(a), F.A.C., regardless of any intervening events or alternative time frames imposed in this Order

10. Within 30 days of the effective date of this Order, Respondent shall submit a written estimate of the total cost of the corrective actions required by this Order to the Department. The written estimate shall identify the information the Respondent relied upon to provide the estimate.

11. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$26,400.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$24,400.00 for civil penalties and \$2,000.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalties are apportioned as follows: \$12,000.00 for violation of Rule #62-604.130(1), Florida Administrative Code; \$3,200.00 for violation of Rule#62-620.300(1), F.A.C.; \$3,200.00 for a violation of Rule #62-302.300(15), F.A.C.; and \$6,000.00 for a violation of Rule #62-604.500(3), F.A.C. This case includes 4 violations that each warrant a penalty of \$2,000.00 or more.

12. Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number

assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order is final and effective filed with the Clerk of the Department before ability to make online payment is available.

### In-Kind Option

In lieu of making cash payment of \$24,400.00 in civil penalties as set forth in paragraph #4 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 \$36,600.00. If Respondent chooses to implement an in-kind project, Respondent shall notify the Department of its election by **electronic mail** within **15 days** of the effective date of this Consent Order. **Notwithstanding the election to implement an in-kind project, payment of the remaining \$2,000.00 in costs must be paid within 30 days of the effective date of the Consent Order.** If Respondent elects to implement an in-kind project as provided in "*In Kind Option*" paragraph above, then Respondent shall comply with all of the requirements and time frames in Exhibit A entitled **In-Kind Projects**.

### Exhibit A

#### **In-Kind Projects**

##### I. Introduction - An In-Kind project

- a. Within 60 days of the effective date of this Consent Order, Respondent shall submit, by **electronic 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 fees 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, Respondent shall submit, by electronic mail, all requested additional information, clarification, and modifications within 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; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the proposal. Respondent shall correct and redress all of the matters at issue and submit, by **electronic mail**, a new proposal within 30 days of receipt of written notice. In the event that the revised proposal is not approved by the Department, Respondent shall make cash payment of the civil penalties as set forth in The Department's Offer paragraph above, within 30 days of Department notice.
- d. Within 120 days of the effective date of this Consent Order, Respondent shall obtain approval for an in-kind project from the Department. If an in-kind project proposal is not approved by the Department within 120 days of the effective date of this Consent Order, then

Respondent shall make cash payment of the civil penalties as set forth in the Department's Offer paragraph above, within 30 days of Department notice.

- e. Within 180 days of obtaining Department approval for the in-kind proposal or in accordance with the approved schedule submitted pursuant to paragraph 2(a) above, Respondent shall complete the entire in-kind project.
- f. During the implementation of the in-kind project, Respondent shall place appropriate sign(s) at the project site indicating that Respondent's involvement with the project is the result of a Department enforcement action. Respondent may remove the sign(s) after the project has been completed. However, after the project has been completed Respondent shall not post any sign(s) at the site indicating that the reason for the project was anything other than a Department enforcement action.
- g. In the event, Respondent fails to timely submit any requested information to the Department, fails to complete implementation of the in-kind project or otherwise fails to comply with any provision of this paragraph, the in-kind penalty project option shall be forfeited and the entire amount of civil penalties shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the \$26,400.00 penalty, no additional penalties shall be assessed under paragraph 4 for failure to complete the requirement of this paragraph.
- h. Within 15 days of completing the in-kind project, Respondent shall notify the Department, **by electronic mail**, of the project completion and request a verification letter from the Department. Respondent shall submit supporting information verifying that the project was completed in accordance with the approved proposal and documentation showing the actual costs incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the project.

- 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; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the project. Respondent shall correct and redress all of the matters at issue and submit, by **electronic mail**, a new notification of completion within 15 days of receipt of the Department's notice. If upon review of the new submittal, the Department determines that the in-kind project is still incomplete or not in accordance with the approved proposal, the in-kind penalty project option shall be forfeited and the entire amount of civil penalty shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the \$26,400.00 no additional penalties shall be assessed under paragraph g. for failure to complete the requirements of this paragraph.

In 12 equal monthly installments of \$2,200.00. The first payment is due within 30-days of receipt of this consent order and your final payment is due no later than one-year from the date of receipt. Failure to timely make any installment payment will enable the Department, at its discretion, to accelerate the remaining balance to become immediately due.

Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Ecosystem Management and Restoration Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at:

<http://www.fldepportal.com/go/pay/>

It will take a number of days after this order is final and effective filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

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.

**Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.**

13. Except as otherwise provided, all submittals and payments required by this Order shall be sent to: [denise.watts@dep.state.fl.us](mailto:denise.watts@dep.state.fl.us), [diane.pupa@dep.state.fl.us](mailto:diane.pupa@dep.state.fl.us), [sed.wastewater@dep.state.fl.us](mailto:sed.wastewater@dep.state.fl.us) and [jennifer.k.smith@dep.state.fl.us](mailto:jennifer.k.smith@dep.state.fl.us) located at Department of Environmental Protection, 3301 Gun Club Road, MSC 7210-1 West Palm Beach, FL 33406.

Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the assigned OGC number 15-0459 to this Order and the notation "Ecosystem Management and Restoration Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at <http://www.fldepportal.com/go/pay/>

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

15. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional



measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

16. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for the violations described above up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

17. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

18. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

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

20. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also

acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.

21. 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.

22. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.

23. 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.

24. Respondent shall publish the following notice in a newspaper of daily circulation in Palm Beach County, Florida. The notice shall be published one time only within 30 days of the effective date of the Order. Respondent shall provide an electronic copy of the published notice to the Department at the e-mail address listed above within 10 days of publication.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF CONSENT ORDER

The Department of Environmental Protection ("Department") gives notice of agency action of entering into a Consent Order with CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses the Sanitary Sewer Overflows at Haverhill Road and 45<sup>th</sup> Street and Avenue T and West 30<sup>th</sup>

Street. 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, 3301 Gun Club Road, MSC 7210-1 West Palm Beach, FL 33406.

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:

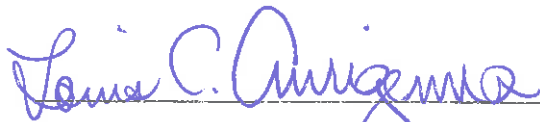
- a) The OGC Number assigned to this Consent Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation 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 Southeast District Office at 3301 Gun Club Road, MSC 7201-1 West Palm Beach, FL 33406. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

30. Rules referenced in this Order are available at

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

FOR THE RESPONDENT:




Mr. Louis C. Aurigemma, P.E.  
Executive Director

MAR 23 2016

Date

DONE AND ORDERED this 24 day of March, 2016, in Palm Beach, Florida.

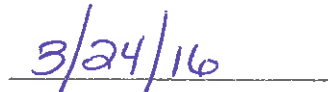
STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Jennifer K. Smith Date  
District Director

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



Clerk

  
Date

Copies furnished to:

- Larry Morgan, Senior Deputy General Counsel
- Mary Wilson, Administrative Asst. II
- Lea Crandall, Agency Clerk
- Diane Pupa, FDEP/SED
- Denise Watts, FDEP/SED
- David Hebert, Palm Beach County Health Dept.
- Darrel Graziani, Palm Beach County Health Dept.
- Giles Rhoads, Assistant Director CRBUD

- [Larry.Morgan@dep.state.fl.us](mailto:Larry.Morgan@dep.state.fl.us)
- [Mary.Wilson@dep.state.fl.us](mailto:Mary.Wilson@dep.state.fl.us)
- [Lea.Crandall@dep.state.fl.us](mailto:Lea.Crandall@dep.state.fl.us)
- [Diane.Pupa@dep.state.fl.us](mailto:Diane.Pupa@dep.state.fl.us)
- [Denise.Watts@dep.state.fl.us](mailto:Denise.Watts@dep.state.fl.us)
- [David.Hebert@flhealth.gov](mailto:David.Hebert@flhealth.gov)
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- [grhoads@rivierabch.com](mailto:grhoads@rivierabch.com)

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Allen J. Davis, Water/Sewer Super.CRBU  
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