



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jay Collins
Lt. Governor

Alexis A. Lambert
Secretary

12/08/2025

City of Fort Lauderdale
c/o Rickelle Williams, City Manager
4321 NW 9th Ave.
Fort Lauderdale, FL 33309
rickellewilliams@fortlauderdale.gov

Re: City of Fort Lauderdale
PW Facility ID #4060486
OGC File No. 24-2464
Broward County

Dear Ms. Williams:

Enclosed is a Consent Order ("Order") prepared by the Department for resolution of the above-referenced enforcement case. Please review this document and within 20 days of receipt return a signed copy to the Department. All pages within the Order should be included with your returned signed copy. Once fully executed, a copy of the final document will be forwarded to you.

Should you have any questions or comments, please contact Jacob Stevens at 561-681-6721 or via e-mail at Jacob.Stevens@floridadep.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sirena Davila".

Sirena Davila
Director, Southeast District
Florida Department of Environmental Protection

Enclosure: Consent Order

ec: Ingrid Kindborn, Program Manager
Rhonda Hasan, Senior Assistant City Attorney
Brad Kaine, Public Works Director
Todd Hiteshew, Deputy Public Works Director

IKindbom@fortlauderdale.gov
RHasan@fortlauderdale.gov
BKaine@fortlauderdale.gov
THiteshew@fortlauderdale.gov

Ben Rogers, Assistant City Manager
Talal Abi-Karam, Asst. Public Works Director
Miguel Arroyo, Water Treatment Manager
Garry Brandy, Distribution & Collection Manager
Sirena Davila, DEP/SED
Viviana Useche, DEP/SED
Jacob Stevens, DEP/SED
Rachel Lenna, DEP/SED

BRogers@fortlauderdale.gov
TAbi-Karam@fortlauderdale.gov
MArroyo@fortlauderdale.gov
GBrandy@fortlauderdale.gov
Sirena.Davila@floridadep.gov
Viviana.Useche@floridadep.gov
Jacob.Stevens@floridadep.gov
Rachel.Lenna@floridadep.gov

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. 24-2464
)	
CITY OF FORT LAUDERDALE)	
)	

CONSENT ORDER

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and City of Fort Lauderdale ("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 water resources and to administer and enforce the provisions of the Florida Safe Drinking Water Act, Sections 403.850, et seq., 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 403.852(5), F.S.
3. Respondent is the owner of the Large Community Public Water System, City of Fort Lauderdale, PWS No. 4060486, located at 4321 NW 9th Ave., in Broward County, Florida ("System"). The System has two plants, the lime softening plant known as Fiveash and the membrane plant known as Peele Dixie. The combined design capacity for both plants is 90,000,000 gallons.
4. The Department finds that the following violation(s) occurred:
 - a) The Respondent failed to maintain its system in good operating condition so as to function as intended, in violation of Rule 62-555.350(2), F.A.C. The System experienced several water main breaks between September 2023 and April 2025. Based on the information

received by the Department, it has been determined that some of the distribution water mains need rehabilitation or replacement due to the age of the infrastructure.

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

ORDERED:

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

a) Within 540 calendar days of the effective date of this Consent Order, the Respondent shall have a Florida-licensed professional engineer complete an assessment of the current condition of all pipes six inches and larger, storage facilities, valves, and pumps in the distribution system.

i) The assessment shall consider factors such as findings from pipe inspection, the age and materials of the components, their estimated remaining lifespan under actual environmental and usage conditions, maintenance and inspection history, the effects of corrosion control measures, current optimal water quality parameters, and any other relevant information that could indicate potential for failure. The assessment should be detailed enough to support the prioritization and scheduling of system improvements and preventative maintenance.

b) Within 630 calendar days of the effective date of this Consent Order, the Respondent shall submit a report to the Department, signed and sealed by a Florida-licensed professional engineer, summarizing the findings of the assessment required in sub-paragraph 5a) above. This report must include the following:

- A summary of the assessment results;
- Identification of the areas most vulnerable to failure, particularly those that could lead to water main breaks or bacteriological contamination.

Based on the findings in the report, the Respondent shall also develop and implement a Distribution Plan and Schedule that outlines how and when the most vulnerable components of the system will be repaired, rehabilitated, or replaced.

c) If a drinking water permit from the Department is required to construct any modifications outlined in the Distribution Plan and Schedule, the Respondent shall submit an application within 60 calendar days of submitting the plan to the Department. In the event the Department requires additional information to process the permit application Respondent shall provide a written response containing the information requested by the Department within 90 calendar days of the date of the request.

d) Within 90 calendar days after completion of any permitted construction in the distribution system, Respondent shall submit to the Department a Certification of Completion, prepared and sealed by a Florida-licensed professional engineer, stating that modifications to the distribution system have been constructed in accordance with the provisions of the Permit.

e) Within 840 calendar days of the effective date of this Consent Order, the Respondent shall develop and implement a formal Asset Management and Maintenance Program for the drinking water distribution system. This program should be designed to ensure the infrastructure is properly maintained, regularly assessed, and strategically improved to minimize system failures and service disruptions.

The program shall include, at a minimum, the following components:

- Asset Inventory and Condition Tracking: A comprehensive inventory of all distribution system assets (e.g., pipes, valves, hydrants, pumps, storage tanks), including relevant data such as installation date, material, size, location, service history, and current condition.
- Scheduled Inspections and Assessments: Procedures and schedules for regular inspection and condition assessment of system components. Assessments must evaluate structural integrity, performance and potential for failure.
- Maintenance Planning and Implementation: A preventive and corrective maintenance plan that establishes when and how assets will be

serviced, rehabilitated, or replaced based on their assessed condition, criticality, and expected service life.

- Integration with Capital Planning: Assessment results and maintenance needs should be considered in the City's Capital Improvement Plan to ensure that funding is allocated appropriately in future budgets for infrastructure improvements and long-term sustainability.

- Program Review and Updates: Procedures for annual review and continuous improvement of the program, incorporating performance metrics, feedback, and lessons learned to enhance efficiency and effectiveness over time.

The developed Asset Management and Maintenance Program shall be submitted to the Department for review and approval within the 840-day timeframe. The Respondent shall implement the approved program and maintain it as an ongoing operational requirement.

f) Within 840 calendar days of the effective date of this Consent Order, the Respondent shall develop and implement a comprehensive Infrastructure Management Tracking System to support the effective operation of the Asset Management and Maintenance Program for the distribution system.

This system shall be designed to document, track, and manage the full lifecycle of all critical infrastructure components, including but not limited to pipes, valves, hydrants, pumps and storage facilities.

At a minimum, the system shall:

- i. Record the original installation date for each component. Tracking of original installation dates shall include existing infrastructure when possible.
- ii. Document dates and descriptions of all repairs, replacements, rehabilitation, and maintenance activities, including both routine and emergency work;
- iii. Capture the results and dates of inspections and condition assessments;
- iv. Track identified deficiencies, recommended corrective actions, and completion dates;

- v. Record the maintenance and repair history, including responsible personnel and materials used;
- vi. Monitor performance trends and project the remaining service life of components;
- vii. Allow for evaluating prioritization of maintenance and capital improvement projects based on risk, condition, and criticality;
- viii. Be updated to reflect actions taken.

The system should be:

- Accessible to all relevant staff who should be trained on the use of the system.
- Auditable to allow verification of information accuracy and completeness.

The Respondent shall submit documentation on the Infrastructure Management Tracking System, including a detailed description of its structure, capabilities, and implementation procedures, to the Department for review and approval within the 840-day timeframe. Once approved, the system shall be maintained as an ongoing operational requirement and regularly updated to ensure continued effectiveness in supporting timely maintenance, system reliability, and long-term asset management.

g) The Department shall provide Respondent with its written comments, comments with conditions or modifications as a contingency of approval, or disapproval for each of the remaining plans or reports required in Paragraphs 5 of this Order. Respondent shall revise and resubmit plans or reports with the Department's written comments within ten calendar days of Respondent's receipt of the Department's written comments unless such comments specify an alternative due date, in which case Respondent shall submit to the Department any revised submittal, specification, or schedule in accordance with the due date specified by the Department. Revised submittals are also subject to comments, comments with conditions and/or modifications, or disapproval by the Department following these comments. Failure to meet the timeframes contained herein is subject to stipulated penalties as

set forth in Paragraph 7 below. Any revised submittal that is not approved or is not approved with conditions and/or modifications is considered noncompliant with the terms of this Order and is subject to stipulated penalties as set forth in Paragraph 7 below. Upon receipt of the Department's written comments, or comments with conditions and/or modifications, Respondent shall implement the plans or reports in accordance with the schedule and provisions contained therein rather than inserting the statement in each applicable paragraph.

h) Every six months after the effective date of this Order and continuing until all corrective actions have been completed, Respondent shall submit to the Department a written report containing information about the status and progress of projects being completed under this Order. These reports shall also include a projection of the work Respondent will perform pursuant to this Order during the 6-month period which will follow the report. Respondent shall submit the reports to the Department within 30 calendar days of the end of each calendar 6-month period.

i) Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all corrective actions required in Paragraphs 5 of this Order within three years of the effective date of this Order and be in full compliance with Rules 62-555.350, F.A.C. regardless of any intervening events or alternative time frames imposed in this Order

6. Within 30 calendar days of the effective date of this Order, Respondent shall pay the Department \$500.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order.

7. Respondent agrees to pay the Department stipulated penalties in the amount of \$1,000.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph 5 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 calendar days of the Department's issuance of a written demand for payment and shall do so as further described in paragraph 8, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order.

8. 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 becomes final, effective and filed with the Clerk of the Department before ability to make online payment is available.

9. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Jacob Stevens, Environmental Specialist, Department of Environmental Protection, Southeast District, 3301 Gun Club Rd, West Palm Beach, FL 33406.

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

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

12. 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.

13. 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.

14. 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.

15. 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.

16. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$15,000.00 per day per violation, and criminal penalties.

17. 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.

18. 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.

19. 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.

20. 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.

21. Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

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

- a) The name and address of each agency affected and each agency's file or identification number, if known;
- b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- c) A statement of when and how the petitioner received notice of the agency decision;
- d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at Agency_Clerk@floridadep.gov, within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at 3301 Gun Club Rd, 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.

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

FOR THE RESPONDENT:

Rickelle Williams
City Manager

Date

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this ____ day of _____, _____, in Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Sirena Davila
District Director
Southeast District

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

Clerk

Date

Executed Copies furnished to:

Lea Crandall, Agency Clerk

Lea.Crandall@FloridaDEP.gov