**MODEL DOMESTIC WASTEWATER VIOLATION CORRECTIVE ACTIONS INDEX FOR SANITARY SEWER OVERFLOWS (SSOs)**

1. **COLLECTION SYSTEM:**
	1. **If Infiltration and Inflow Program Needs to be Created or Improved:**
	2. **If One or More Pump Stations Need Repair, Rehabilitation, or Replacement:**
2. **SPILL RESPONSE AND EMERGENCY OPERATIONS:**
	1. **If a Sewer Overflow Response Plan (SORP) is Needed (individual spills):**
	2. **If an Emergency Operations Plan (EOP) is Needed (major storms, etc.):**
3. **CMOM AND ASSET MANAGEMENT FOR MEDIUM TO LARGE UTILITIES:**
	1. **Mapping and Inventory:**
	2. **Assessment:**
	3. **CMOM and Asset Management Program:**
4. **ELECTRONIC SPILL REPORTING**
5. **STIPULATED PENALTIES:**
	1. **For Unauthorized Discharges During the Life of the Consent Order:**
	2. **For Failure to Complete Corrective Actions as Scheduled:**

**VI. IN-KIND PROJECTS:**

1. **In-Kind Projects to Offset Stipulated Penalties:**

**VII.**  **PREFATORY LANGUAGE APPLICABLE TO ALL CORRECTIVE ACTION**

**PARAGRAPHS**

**MODEL DOMESTIC WASTEWATER VIOLATION CORRECTIVE ACTION LANGUAGE FOR SSOs**

1. **COLLECTION SYSTEM:**
	1. **If Infiltration and Inflow Program Needs to be Created or Improved:**
		1. Within \_##\_ days of the effective date of this Order, Respondent shall submit to the Department a plan and schedule (hereinafter, I&I Plan) to reduce infiltration and inflow (I&I) into the collection system by \_\_\_ # percent within \_\_\_\_\_# year(s) of the Department’s written acceptance of the I&I Plan. The I&I plan shall describe how the percent reduction in I&I will be measured and shall have a completion date no later than \_\_\_\_#.

2. If the Facility has not returned to compliance ## days after completing the actions

in the I&I Plan, Respondent shall, within \_##\_ days of completing the plan, submit to the Department a permit application with a schedule to expand or upgrade the Facility to bring Respondent into compliance with Rule # \_\_\_\_\_ F.A.C. (Add other general conditions related to permit applications?)

1. Notwithstanding the time periods described in the paragraphs above, Respondent

shall complete all corrective actions required by paragraphs # within Insert days or years which reflects your “ultimate deadline” date of the effective date of this Order and be in full compliance with Rule # , F.A.C., regardless of any intervening events or alternative time frames imposed in this Order>>>OPTIONAL<<<, other than those excused delays agreed to by the Department, as described in paragraph Insert paragraph # for excusable delay clause if utilized

* 1. **If One or More Pump Stations Need Repair, Rehabilitation, or Replacement:**
		1. Within \_##\_ days of the effective date of this Consent Order, Respondent shall submit a plan and schedule (hereinafter, Lift Station Plan) to the Department for approval to bring all of the Facility’s lift stations into compliance with the standards specified in the “Recommended Standards for Wastewater Facilities,” the current version of which is referenced in Rule 62-604.300(5)(g), Florida Administrative Code. The Lift Station Plan shall have a completion date no later than \_##\_ days after the effective date of this Consent Order.
		2. If the Facility has not returned to compliance 30 days after completing the actions in the Lift Station Plan, Respondent shall, within \_##\_ days of completing the Lift Station Plan, submit to the Department a permit application with a schedule to expand or upgrade the system to bring Respondent into compliance with Rule #\_\_\_\_ F.A.C.
		3. Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all corrective actions required by paragraphs # within Insert days or years which reflects your “ultimate deadline” date of the effective date of this Order and be in full compliance with Rule # , F.A.C., regardless of any intervening events or alternative time frames imposed in this Order>>>OPTIONAL<<<, other than those excused delays agreed to by the Department, as described in paragraph Insert paragraph # for excusable delay clause if utilized
1. **SPILL RESPONSE AND EMERGENCY OPERATIONS PLANS:**
	1. **If a Sewer Overflow Response Plan (SORP) is Needed (for individual spills):**
		1. Within # days of the effective date of this Consent Order, Respondent shall provide to the Department a Sanitary Sewer Overflow Response Plan (SORP). The SORP shall include the following components:
			1. The steps staff shall follow upon discovery of an unauthorized discharge, with the goal of immediately limiting the threat to public health and the environment by stopping the discharge, limiting the extent of impacts, and controlling public access to impacted areas;
			2. Where and how staff may rapidly access information regarding the locations of pipes, valves, pumps, and other components of the system for purposes of responding to an unauthorized discharge;
			3. Who has authority to direct a response, including acquiring equipment or materials, mobilizing and directing staff and contractors, and initiating required notifications;
			4. How internal communications will be conducted, beginning with notification of the person authorized to direct the response when an unauthorized discharge is discovered;
			5. How and when sampling of surface waters will be conducted, who will collect samples and how the samples will be handled and transported to a certified laboratory, and what parameters will be analyzed, with analyses to include *E. coli* for Class III fresh waters and Class I potable water supplies, *Enterococci* for Class III marine waters, and fecal coliform and *Enterococci* for Class II shellfish harvesting waters, Total Nitrogen and Total Phosphorus. Sampling locations should be selected to reflect background conditions not receiving effluent or sewage and an area within 10 meters of the point in which the effluent or sewage entered the waterbody.
			6. Where and how equipment or materials may be obtained, how staff may be dispatched, and how contractors may be mobilized to respond to the discharge and to repair the damage or correct the problem that resulted in the discharge;
			7. How and when the required notifications will be made and updates provided to the Department, other regulatory agencies, and the public, including
				1. Oral notification of the department for all incidents within 24 hours of discovery and/or the State Watch Office at (800) 320-0519 for unauthorized discharges greater than 1,000 gallons or that may endanger public health or the environment within 24 hours of discovery;
				2. notification via the web form on the Department’s Public Notice of Pollution webpage at <http://prodenv.dep.state.fl.us/DepPNP/user/pnpRequest> for unauthorized discharges greater than 1,000 gallons or that may endanger public health or the environment within 24 hours of discovery, and;
				3. a written report submitted to the Department within 5 days of discovery to include the following information:

What is the final spill volume of the SSO?

Did the SSO reach surface waters?

How much of the SSO’s volume reached surface waters, if any?

How much volume of the SSO was recovered?

How much volume of the SSO was not recoverable?

Describe what happened to cause the SSO;

Describe the actions taken to remediate the SSO; and

Describe the actions taken, or to be taken, to prevent future SSOs of this nature.

* + - 1. How discharge volumes will be estimated, basing calculations on such factors as pipe size, pressure, size of opening, and any other applicable information;
			2. How the event will be documented and tracked, and how the information will be incorporated into Respondent’s management of the sanitary sewer system.
	1. **If an Emergency Operations Plan (EOP) is Needed (for major storms, etc.):**
		1. Within # days of the effective date of this Consent Order, Respondent shall provide to the Department an Emergency Operations Plan (EOP) to address larger events such as hurricanes, flooding, or significant power outages. The EOP shall be designed to build on the SORP and shall include the following components:
			1. numbers and type of portable or fixed generators, bypass pumps, vacuum trucks, transport vehicles, personnel, and quantities of fuel to be kept in readiness for emergencies, and how items will be mobilized and deployed to keep pump stations and wastewater treatment and disposal operating during a significant power outage event,
			2. what outside resources, such as contractors, Mutual Aid Agreements or FlaWARN, may be called upon when needed, how the request for assistance is handled, what documentation is necessary as work proceeds, and how the outside assistance will be supervised, accounted for, and coordinated with Respondent’s own equipment and personnel,
			3. a public education campaign with 3 components:
				1. outreach to customers via social media and other means prior to hurricane season, addressing sanitary sewer overflow prevention through maintenance of service connections and grease traps, not opening cleanouts or manholes, and preventing blockages,
				2. outreach as a predicted event approaches (e.g., hurricane), addressing what customers should do or should avoid to prevent or be prepared for sanitary sewer overflows, and how customers can get information regarding their system before the storm,
				3. outreach after the event, addressing how to deal with backups and floodwaters, proper cleanup, health precautions, and how to get information about the sewer system’s status or report problems.
1. **CMOM AND ASSET MANAGEMENT FOR MEDIUM TO LARGE UTILITIES:**
	1. **Mapping and Inventory:**
		1. Within # days of the effective date of this Consent Order, Respondent shall submit a Mapping and Inventory Plan (hereinafter, MI Plan) with a scheduled completion date no later than XXX XX, 20XX.
		2. The MI Plan shall include the location, size, type, and material for all existing or in-construction force mains, gravity mains, service laterals, isolation or control valves, air release valves, access and conflict manholes, pump stations, fixed backup power supplies, bypass hookups, portable generator hookups, and tie-ins of Satellite collection systems or bulk customers Satellite collection systems are sanitary sewers owned or operated by another entity that conveys sewage or industrial wastewater to the facility. The maps shall show directional flow routes of all wastewater flows.
		3. For satellite systems and bulk customers, mapping and inventory shall include the names, responsible parties and contact information, and as much of the information listed in this Paragraph as can be obtained.
		4. The MI Plan shall provide a process for incorporating as-built drawings into the systemwide maps whenever new construction is completed.
		5. The MI Plan shall provide for a means to keep maps and inventory information readily accessible to staff at all times and from multiple locations, including in the field, to facilitate rapid responses to emergencies and unauthorized discharges.
	2. **Assessment:**
		1. Within # days of the effective date of this Consent Order, Respondent shall complete an CMOM assessment/assessment of the existing condition of all force mains, gravity mains, connections, isolation or control valves, air release valves, pump stations, and manholes in the collection system. The assessment shall be based on age, materials, estimated remaining life span under actual environmental and usage conditions, the maintenance and surveillance history, the capacity and actual loading of mains and pump stations, and any other information that bears on potential for failures. The assessment shall be done in sufficient detail that the resulting information can be used to prioritize and schedule improvements and preventive maintenance.
		2. Within # days of the effective date of this Consent Order, Respondent shall submit to the Department a report summarizing the results of the assessment, identifying areas of highest vulnerability for failure resulting in unauthorized discharges, and outlining Respondent’s plan to repair, rehabilitate, or replace the most vulnerable components of the system.
	3. **CMOM and Asset Management Program:**
		1. Within # days of the effective date of this Consent Order, Respondent shall submit to the Department a Capacity, Management, Operations and Maintenance and Asset Management Program (CMOM and AM Program). The CMOM and AM Program shall be scaled to fit Respondent’s Facility and shall be designed to keep the collection system and wastewater treatment and disposal facility operating properly at all times. The CMOM and AM Program shall be consistent with the United States Environmental Protection Agency’s guidance contained in the references below:

EPA’s *CMOM Program Self-Assessment Checklist* <https://www.epa.gov/sites/production/files/2015-10/documents/cmomselfreview.pdf>

* + - 1. *Guide for Evaluating Capacity, Management, Operation, and Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems*, EPA 305-B-05-002, <https://www.epa.gov/sites/production/files/2015-10/documents/cmom_guide_for_collection_systems.pdf>
			2. *Asset Management: a Best Practices Guide*, EPA 816-F-08-014, <https://nepis.epa.gov/Exe/ZyPDF.cgi/P1000LP0.PDF?Dockey=P1000LP0.PDF>
		1. The CMOM and AM Program shall include the elements listed below:
			1. an Information Management System element that maintains detailed information on location, type, capacity, age, condition, failure history, maintenance history, and projected maintenance or replacement schedule for each component as determined by manufacturers’ recommendations and information on actual condition and performance, Operations and Maintenance Manuals, including the information developed through the Mapping and Inventory and the Assessment of the collection system,
			2. an Inspection and Surveillance Program Element to monitor flows and the condition and performance of collection system components by remote monitoring and telemetry via a SCADA system, on-site inspections, and other means as applicable to each component, with an automatic alarm or alert system (e.g., autodialers) to notify staff when a malfunction occurs that compromises operation,
			3. a Security and Emergency Management Program Element that incorporates the SORP and EOP and addresses routine security throughout the system,
			4. an Infiltration and Inflow (I & I) Reduction Program Element to identify and eliminate sources of water other than domestic wastewater or authorized industrial wastewater flows entering the collection system,
			5. a Fats, Oils, and Grease (FOG) Control Program Element, including regulation of customers’ grease traps via municipal ordinance or any other measures to prevent excessive loading of FOG into the wastewater treatment facility,
			6. a Satellite System and Bulk Customer Program, if applicable, that maintains information about the composition and volume of flows entering Respondent’s system, and that provides for control of unauthorized discharges, I & I and FOG in the satellite or bulk customers’ system(s),
			7. a Corrosion Control Program Element to control hydrogen sulfide and any other corrosive gases or liquids that have been found to deteriorate the system,
			8. a Spare Parts Inventory Program Element, to prevent delays in responding to emergencies by maintaining a stock of commonly-used or hard-to-acquire critical spare parts and expediting internal processes for authorization, documentation, deployment, and restocking,
			9. a Repair and Rehabilitation Program Element to promptly address existing or imminent failures and malfunctions,
			10. a Preventive Maintenance Program Element that schedules maintenance, replacements, and upgrades based on the information gathered under this Paragraph and integrated in the Information Management System,
			11. an Asset Management Program Element that plans for and funds the repairs, replacements, upgrades, and expansions of equipment and structures projected to be needed by the system during the next X years.

(xii) a schedule for implementing each of the elements in this Paragraph, with

all elements implemented no later than XXX days after the effective date of this Consent Order.

1. **ELECTRONIC SPILL REPORTING**
	1. Within 60 days of the effective date of this order, Respondent shall report all noncompliance events related to sanitary sewer overflows or bypass events to the Department electronically using the Department’s Business Portal at <http://www.fldepportal.com/go/> (via “Submit” followed by “Report” or “Registration/Notification”).
2. **STIPULATED PENALTIES:**
	1. **For Unauthorized Discharges During the Life of the Consent Order:**
		1. For unauthorized discharges from any part of Respondent’s wastewater collection system or wastewater treatment and disposal facilities, Respondent agrees to pay stipulated penalties to the Department as follows:
			1. Stipulated penalties shall be assessed according to the volume of the discharge and the number of days the discharge continued and/or impacted surface water, as shown below:

Amount per day per Discharge or

Amount per day per Water Quality Violation Discharge Volume

$500.00 Up to 1,000 gallons

$1,000.00 1,001 to 5,000 gallons

$2,500.00 5,001 to 10,000 gallons

$5,000.00 10,001 to 25,000 gallons

$10,000.00 in excess of 25,000 gallons

* 1. **For Failure to Complete Corrective Actions as Scheduled:**

For each instance where Respondent fails to meet any final completion date for corrective actions scheduled pursuant to this Consent Order, including plans and schedules accepted in writing by the Department or compliance schedules incorporated in permits issued pursuant to the terms of this Consent Order, Respondent agrees to pay stipulated penalties in the amount of $# per day [NOTE: Should be a minimum of $1000 per day]

VI. **IN-KIND PROJECTS:**

 **a) In-Kind Projects to Offset Stipulated Penalties:**

1. In lieu of making cash payment of the amount required under

paragraph ###. (stipulated penalties) above, the Department, **at its discretion**, may allow Respondent to off-set this amount by implementing an in-kind project, which must be approved by the Department. An in-kind project must be either an environmental enhancement, environmental restoration or a capital/facility improvement project. The Department may also consider the donation of environmentally sensitive land as an in-kind project. The value of the in-kind penalty project shall be one and a half times the portion of the stipulated penalty amount for which the approved project off-sets. The Respondent shall request consideration of applying stipulated penalties toward an in-kind project within 15 days of notification by the Department that stipulated penalties are being assessed under paragraph ###. If acceptable, the Respondent shall comply with all the requirements and timeframes in Exhibit A, entitled In-Kind Projects. If not acceptable, the Respondent will pay the stipulated penalties within 30 days of receipt of the Department’s notification that applying the stipulated penalties to an in-kind project is not acceptable.

**VII.**  **PREFATORY LANGUAGE APPLICABLE TO ALL CORRECTIVE ACTION PARAGRAPHS** (Include *the paragraph below and its subparts to all corrective actions that require submission of a plan, schedule etc.…)*

Paragraph # : As to paragraph numbers \_\_### of this Order the following shall apply:

a. The Department shall provide Respondent with its written approval, approval with conditions or modifications as a contingency of approval, or disapproval for any submittal, specification, or schedule submitted for Department approval pursuant to or required by this Order.

b. Respondent shall revise any submittal, specification, or schedule in accordance with the Department's written comments within thirty (30) 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 approval, approval with conditions and/or modifications, or disapproval by the Department following these approval procedures. 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.

c. Upon receipt of the Department’s written approval, or approval with conditions and/or modifications, Respondent shall implement any approved work plan in accordance with the schedule and provisions contained therein which shall be deemed an enforceable part of this Order.