

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT	)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION	)	DIVISION OF WATER
	)	RESOURCE MANAGEMENT
	)	
v.	)	OGC FILE NO. 24-3045
	)	
CITY OF OPA-LOCKA	)	
_____	)	

CONSENT ORDER

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and City of Opa-Locka ("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 ("Fla. Stat."), and the rules promulgated and authorized in Title 62, Florida Administrative Code ("Fla. Admin. Code"). The Department has jurisdiction over the matters addressed in this Order.

2. Respondent is a governmental municipality located in Miami-Dade County, and is a person within the meaning of Section 403.031(9), Fla. Stat.

3. Respondent owns and operates a Municipal Separate Storm Sewer Facility ("Facility"), located at 12950 NW 42nd Ave, Opa Locka, FL 33054, in Miami-Dade County, Florida ("Property"). Respondent operates the Facility under the Department National Pollutant Discharge Elimination System ("NPDES") Stormwater Permit No. FLS000003 (FLS267180) which was issued on December 29, 2017, and expired on December 28, 2022. The Respondent owns the Property on which the Facility is located.

4. On May 24, 2022, a Stormwater Phase I Municipal Separate Storm Sewer System ("MS4") audit conducted by the Department revealed that Respondent was not in compliance

with the terms and conditions of its Permit, including failing to implement or report elements/conditions required by the Permit.

Ongoing communications between the Department and the Respondent took place between October 19, 2022 and July 12, 2024, regarding multiple outstanding violations. The Department finds and Respondent neither admits or denies the following:

- i. Respondent failed to timely submit a Bacterial Pollution Control Plan (BPCP) by June 30, 2021, with the Year 3 annual report as required by Permit Part VIII.B.3.a.; Respondent subsequently submitted an incomplete BPCP on January 31, 2023;
- ii. Respondent failed to maintain an up-to-date inventory of the structural controls and roadway stormwater collection structures owned or operated by the permittee as required by Permit Part III.A.1.;
- iii. Respondent failed to develop and implement a structural control inspection Standard Operating Procedure ("SOP") in accordance with Permit Part III.A.1.; Respondent subsequently submitted a complete SOP on November 21, 2022;
- iv. Respondent failed to maintain documentation of new development and significant redevelopment project review activity as required by Permit Part III.A.2.;
- v. Respondent failed to timely develop and implement a litter control SOP in accordance with Permit Part III.A.3; Respondent subsequently submitted a complete SOP on July 28, 2023;
- vi. Respondent failed to document street sweeping activities and quantity of sweepings collected as required by Permit Part III.A.3.;
- vii. Respondent failed to maintain a roadway maintenance facility SOP in accordance with Permit Part III.A.3.;
- viii. Respondent failed to develop a pesticide, herbicide, and fertilizer application SOP in accordance with Permit Part III.A.6.;

- ix. Respondent failed to develop and implement a pesticide, herbicide, and fertilizer education and outreach SOP as required by Permit Part III.A.6.;
- x. Respondent failed to timely maintain a list of pesticide, herbicide, and fertilizer application licenses as required by Permit Part III.A.6.; Respondent subsequently submitted a list on November 18, 2022;
- xi. Respondent failed to timely develop and implement a proactive inspection SOP as required by Permit Part III.A.7.c.; Respondent subsequently submitted a complete SOP on November 18, 2022;
- xii. Respondent failed to timely develop and maintain reactive investigation SOP as required by Permit Part III.A.7.c.; Respondent subsequently submitted a complete SOP on November 18, 2022;
- xiii. Respondent failed to develop and implement illicit discharge training SOP as required by Permit Part III.A.7.c.;
- xiv. Respondent failed to develop and maintain spill response SOP as required by Permit Part III.A.7.d.;
- xv. Respondent failed to develop and implement spill prevention and response training SOP as required by Permit Part III.A.7.d.;
- xvi. Respondent failed develop and implement illicit discharge education and outreach SOP as required by Permit Part III.A.7.e.;
- xvii. Respondent failed to develop and implement a household hazardous waste education and outreach SOP as required by Permit Part III.A.7.f.;
- xviii. Respondent failed to timely develop and maintain a limitation of sanitary sewer seepage SOP as required by Permit Part III.A.7.g.; Respondent subsequently submitted a complete SOP on November 18, 2022;
- xix. Respondent failed to develop and maintain an high-risk facility inspection SOP as required by Permit Part III.A.8.a.;

- xx. Respondent failed to develop an erosion, sediment, waste control regulatory mechanism as required by Permit Part II.E.1 and Permit Part III.A.9.a.;
- xxi. Respondent failed to develop and implement a construction site plan review SOP as required by Permit Part III.A.9.a.;
- xxii. Respondent failed to maintain and implement a construction site inspection SOP as required by Permit Part III.A.9.b.;
- xxiii. Respondent failed to develop and implement a construction training SOP as required by Permit Part III.A.9.c.

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

ORDERED:

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

- (a) **Commencing immediately and henceforth**, Respondent shall comply with all Department rules and statutes regarding NPDES and environmental permitting, including but not limited to Chapter 403, Fla. Stat., and the rules promulgated thereunder in Title 62, Fla. Admin. Code.
- (b) **Within 90 days of the effective date of this Order**, Respondent shall:
 - i. Submit documentation demonstrating development project applications are reviewed for compliance with post-construction stormwater requirements in accordance with Permit Part III.A.2.;
 - ii. Develop and submit a complete roadway maintenance facility SOP in accordance with Permit Part III.A.3.;
 - iii. Develop and submit a complete SOP for minimizing the application of pesticides, herbicides, and fertilizers on public property, and the proper storage, mixing, and application of these products in accordance with Permit Part III.A.6.;

- iv. Develop and submit a complete education and outreach SOP in accordance with Permit Part III.A.6.;
- v. Submit documentation demonstrating the proactive inspection program is conducted in accordance with Permit Part III.A.7.c;
- vi. Develop and submit a complete training SOP in accordance with Permit Part III.A.7.c.;
- vii. Develop and submit a complete spill prevention and response SOP in accordance with Permit Part III.A.7.d.;
- viii. Develop and submit a complete training SOP in accordance with Permit Part III.A.7.d.;
- ix. Develop and submit a complete education and outreach SOP in accordance with Permit Part III.A.7.e.;
- x. Develop and submit a complete household hazardous waste education and outreach SOP in accordance with Permit Part III.A.7.f.;
- xi. Develop and submit a complete high-risk facility inspection SOP in accordance with Permit Part III.A.8.a.;
- xii. Develop and submit a high-risk facility inventory in accordance with Permit Part III.A.8.a.;
- xiii. Submit a plan of action, with a timeline, to draft, review, and adopt an ordinance that requires site operators to use and maintain appropriate erosion, sedimentation, and waste controls during construction in accordance with Permit Part II.E. and III.A.9.a.;
- xiv. Develop and submit a complete construction site plan review SOP in accordance with Permit Part III.A.9.a.;
- xv. Submit records demonstrating construction sites are inspected for the use and maintenance of erosion, sedimentation, and waste controls in accordance with Permit Part III.A.9.b.; and,

- xvi. Develop and submit a complete training SOP in accordance with Permit Part III.A.9.c.
- (c) **Within 180 days of the effective date of this Order**, Respondent shall:
- i. Submit a complete BPCP in accordance with Permit Part VIII.;
 - ii. Submit documentation demonstrating the street sweeping program is implemented in accordance with Permit Part III.A.3.;
 - iii. Implement the public education and outreach program to encourage citizens to reduce their use of pesticide, herbicide, and fertilizer in accordance with Permit Part III.A.6.;
 - iv. Conduct an illicit discharge training for appropriate staff and submit the date of the training, method used, and method for documenting the employees trained;
 - v. Conduct a spill prevention and response training for appropriate staff and submit the date of the training, method used, and method for documenting the employees trained;
 - vi. Implement the public education and outreach program to facilitate public reporting of illicit discharges, illicit connections, and illegal dumping in the MS4 in accordance with Permit Part III.A.7.e.;
 - vii. Implement the public education and outreach program to encourage the proper use and disposal of oils, toxics and household hazardous waste in accordance with Permit Part III.A.7.f.;
 - viii. Adopt an ordinance requiring construction site operators to use and maintain appropriate erosion, sedimentation, and waste controls in accordance with Permit Part II.E. and III.A.9.a.;
 - ix. Implement the construction site plan review program in accordance with Permit Part 9.c; and,

- x. Conduct a construction site reviewer, operator, inspector training and submit the date of the training, method used, and method for documenting the employees trained.

(d) **Within 5 years of the effective date of this Order**, Respondent shall:

- i. Submit a complete inventory of the structural controls and roadway stormwater collections structures owned or operated by the Respondent in accordance with Permit Part III.A.1.; and,
- ii. Complete inspections of all structural controls and roadway stormwater collections structures owned or operated by the Respondent in accordance with Permit Part III.A.1.

(e) Within 60 days of the effective date of this Order and continuing until all corrective actions have been completed, Respondent shall submit to the Department a written report, bi-monthly (every two months), containing information regarding the status and progress of items required to be completed under this Order. Each report shall include information as to the compliance or noncompliance with the requirements of this Order, and reasons for noncompliance (if any).

7. **Within 60 days after the effective date of this Order and continuing until all corrective actions have been completed**, Respondent shall submit to the Department quarterly a written report containing information about the status and progress of projects being completed under this Order, supporting documentation, information about compliance or noncompliance with the applicable requirements of this Order, and any reasons for noncompliance.

8. Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all corrective actions required by paragraphs 6.a) through 6. c) **within six (6) months of the effective date of this Order** and be in full compliance with Rule 62-624, Fla. Admin. Code, and Section 40 CFR 122.26(d), regardless of any intervening events or alternative time frames imposed in this Order.

9. **Within 60 days of the effective date of this Order**, Respondent shall pay the Department \$62,852.92 in settlement of the regulatory matters addressed in this Order. This amount includes \$60,352.92 for administrative penalties and \$2,500 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order.

10. Respondent agrees to pay the Department stipulated penalties in the amount of \$200 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraphs 5 through 8 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment and shall do so as further described in paragraph 11, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this paragraph shall be in addition to the civil penalties agreed to in paragraph 9 of this Order.

11. 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.

12. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Michelle Bull, Environmental Consultant, NPDES Stormwater Program, Department of Environmental Protection, Mail Station 3585, 2600 Blair stone Road, Tallahassee, FL 32399.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, Fla. Stat., 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, Fla. Stat.

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, Fla. Stat. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), Fla. Stat.

20. This Consent Order is a final order of the Department pursuant to section 120.52(7), Fla. Stat., 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, Fla. Stat. 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 Order but whose substantial interests are affected by it have a right, pursuant to Sections 120.569 and 120.57, Fla. Stat., to petition for an administrative hearing on it. The Petition must contain the information set forth below and 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 Department Office named above at the address indicated. **Failure to file a petition within 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Fla. Stat.**

The petition shall contain the following information:

- a) The Department's Consent Order identification number (24-3045) and the county(Miami-Dade) in which the subject matter or activity is located;
- b) The name, address, telephone number and email address of each petitioner;
- c) The name, address, telephone number and email address of each petitioner's representative (if any), which shall be the address for service purposes during the course of the proceeding;
- d) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- e) A statement of when and how the petitioner received notice of the Consent Order;
- f) A statement of all material facts disputed by petitioner, if any;
- g) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;

- h) A statement of which rules or statutes the petitioner contends require reversal or modification of the Consent Order; and
- i) A statement of relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. **Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Fla. Stat., and to participate as a party to this proceeding.** Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Fla. Admin. Code.

A person whose substantial interests are affected by this Consent Order may file a timely petition for an administrative hearing under Sections 120.569 and 120.57, Fla. Stat., or may choose to pursue mediation as an alternative remedy under Section 120.573, Fla. Stat., before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. Additional information about mediation is provided in Section 120.573, Fla. Stat., and Rule 62-110.106(12), Fla. Admin. Code.

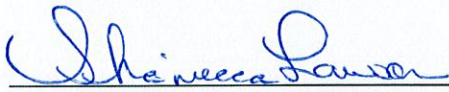
22. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals.

23. 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.

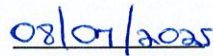
24. Rules referenced in this Order may be examined at any Department Office or may be obtained by written request to the Department Office referenced in Paragraph 8 herein. The rules referenced in this Order are also available at: <https://floridadep.gov/ogc/ogc/content/rules>.

FOR THE RESPONDENT: CITY OF OPA-LOCKA, FLORIDA

The undersigned certifies that as the City Manager of CITY OF OPA-LOCKA, he is authorized and empowered to negotiate, enter into and execute, in the name and on behalf of the Respondent, any agreements, documents, instruments, certificates, including and without limitation, this Consent Order entered into between Respondent and the State of Florida Department of Environmental Protection.



Shamecca Lawson, City Manager



Date

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DONE AND ORDERED this 12th day of August, 2025, in Tallahassee, Leon County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Matthew Knoll
Deputy Director
Division of Water Resource Management

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

Wyndi Mock

Digitally signed by Wyndi Mock
Date: 2025.08.12 09:35:42 -04'00'

Clerk

8/12/2025

Date

Copies furnished to:

Lea Crandall, Agency Clerk
Mail Station 35