



Interoffice Memorandum

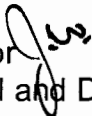
APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

JUL 14 2015 NP/CAS

AGENDA ITEM

June 19, 2015

TO: Mayor Teresa Jacobs
—AND—
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Community, Environmental and Development
Services Department

**CONTACT PERSON: Lori Cunniff, CEP, CHMM, Deputy Director
Community, Environmental and Development
Services Department
(407) 836-1405**

SUBJECT: July 14, 2015 — Consent Item
Florida Department of Environmental Protection Section 319
Grant Agreement No. G0335 for Lake Down Sub-Basin 15 Alum
Stormwater Treatment System

The Environmental Protection Division (EPD) is requesting approval of the First Amendment to the Florida Department of Environmental Protection (FDEP) Section 319 Grant Agreement No. G0335 for the Lake Down Sub-Basin 15 Alum Stormwater Treatment System.

On May 22, 2012, the Board of County Commissioners (BCC) approved the FDEP Section 319 Grant Agreement No. G0335 for the Lake Down Sub-Basin 15 Alum Stormwater Treatment System in the amount up to \$790,000.

Lake Down Sub-basin 15 is a 377.5 acre basin which contributes 49.4% of the runoff generated phosphorus loadings to Lake Down and 27% of the total annual phosphorus inputs to the lake. This sub-basin discharges through a well defined channel into the northwest lobe of Lake Down. An off-line alum treatment system will be constructed on a 5.24 acre parcel upstream from Lake Down. The system will provide alum treatment for discharges through the channel, with an estimated inflow of 348 ac-ft/yr. A 3.5 acre alum flocculant (floc) settling pond will be constructed with the additional land used for the pump building, alum storage tanks and staging for a future floc drying area. The project will reduce phosphorus loadings to Lake Down by approximately 182 kg/yr. A post-construction monitoring program will be conducted to determine the treatment effectiveness of the system. The area will also be used as an educational facility and

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Florida Department of Environmental Protection Section 319 Grant Agreement No. G0335 for Lake Down Sub-Basin 15 Alum Stormwater Treatment System

displays will be constructed to educate the public about stormwater pollution and treatment.

The First Amendment serves to provide a no-cost time extension from July 18, 2015 to September 30, 2015.

The First Amendment to the FDEP Grant Agreement No. G0335 was reviewed by the County Attorney's Office and approved as to form.

ACTION REQUESTED: Approval of DEP Agreement No. G0335 Amendment No. 1 between the State of Florida Department of Environmental Protection and Orange County, Florida for Lake Down Sub-Basin 15 Alum Stormwater Treatment System. District 1

JVW/LC: mg

Attachments

DEP AGREEMENT NO. G0335
AMENDMENT NO. 1

THIS AGREEMENT as entered into on the 18th day of June, 2012, between the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "Department") and ORANGE COUNTY, FLORIDA, a Charter County and political subdivision of the State of Florida (hereinafter referred to as the "Grantee") is hereby amended.

WHEREAS, due to construction delays, the Grantee has requested a no-cost time extension to complete the project; and,

WHEREAS, the Department has agreed that a no-cost time extension is necessary to complete the project; and,

WHEREAS, other changes to the Agreement are necessary.

NOW, THEREFORE, the parties hereto agree as follows:

-- Paragraph 2 is hereby deleted in its entirety and replaced with the following:

2. This Agreement shall begin upon execution by both parties and remain in effect through September 30, 2015, inclusive. The Grantee shall be eligible for reimbursement for work performed on or after the date of execution through the expiration date of this Agreement. This Agreement may be amended to provide for additional services if additional funding is made available by EPA and/or the Legislature.

-- Paragraph 16 is hereby deleted in its entirety and replaced with the following:

16. The Department's Grant Manager (which may also be referred to as the Department's Project Manager) for this Agreement is identified below.

Misty Alderman	
Florida Department of Environmental Protection	
Nonpoint Source Management Section	
3900 Commonwealth Boulevard, MS# 3570	
Tallahassee, Florida 32399-3000	
Telephone No.:	(850) 245-2946
E-mail Address:	Misty.Alderman@dep.state.fl.us

-- Paragraph 32 is hereby added to the Agreement:

32. No payment will be made for deliverables deemed unsatisfactory by the Department. In the event that a deliverable is deemed unsatisfactory by the Department, the Grantee shall re-perform the services needed for submittal of a satisfactory deliverable, at no additional cost to the Department, within ten (10) days of being notified of the unsatisfactory deliverable. If a satisfactory deliverable is not submitted within the specified timeframe, the Department may, in its sole discretion, either: 1) terminate this Agreement for failure to perform, or 2) the Department Grant Manager may, by letter specifying the failure of performance under this Agreement, request that a proposed Corrective Action Plan (CAP) be submitted by the Grantee to the Department. All CAPs must be able to be implemented and performed in no more than sixty (60) days.

- A. A CAP shall be submitted within ten (10) calendar days of the date of the letter request from the Department. The CAP shall be sent to the Department Grant Manager for review

and approval. Within ten (10) calendar days of receipt of a CAP, the Department shall notify the Grantee in writing whether the CAP proposed has been accepted. If the CAP is not accepted, the Grantee shall have ten (10) calendar days from receipt of the Department letter rejecting the proposal to submit a revised proposed CAP. Failure to obtain the Department approval of a CAP as specified above shall result in the Department's termination of this Agreement for cause as authorized in this Agreement.

- B. Upon the Department's notice of acceptance of a proposed CAP, the Grantee shall have ten (10) calendar days to commence implementation of the accepted plan. Acceptance of the proposed CAP by the Department does not relieve the Grantee of any of its obligations under the Agreement. In the event the CAP fails to correct or eliminate performance deficiencies by Grantee, the Department shall retain the right to require additional or further remedial steps, or to terminate this Agreement for failure to perform. No actions approved by the Department or steps taken by the Grantee shall preclude the Department from subsequently asserting any deficiencies in performance. The Grantee shall continue to implement the CAP until all deficiencies are corrected. Reports on the progress of the CAP will be made to the Department as requested by the Department Grant Manager.
- C. Failure to respond to a Department request for a CAP or failure to correct a deficiency in the performance of the Agreement as specified by the Department may result in termination of the Agreement.

The remedies set forth above are not exclusive and the Department reserves the right to exercise other remedies in addition to or in lieu of those set forth above, as permitted by the Agreement.

In all other respects, the Agreement of which this is an Amendment, and attachments relative thereto, shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed the day and year last written below.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Teresa Jacobs*
Title: Teresa Jacobs, County Mayor
Date: 7.14.15

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: *[Signature]*
Secretary or Designee
Date: 7/16/15

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: *Jessica Moore*
for Deputy Clerk



Misty Alderman
Misty Alderman, DEP Grant Manager
Dorena Allen
DEP Contracts Administrator

Approved as to form and legality:

Jessica M. Dechene
DEP Attorney

*For Agreements with governmental boards/commissions: If someone other than the Chairman signs this Amendment, a resolution, statement or other document authorizing that person to sign the Amendment on behalf of the Grantee must accompany the Amendment.