



Florida's Warmest Welcome

**City of Pompano Beach
UTILITIES ADMINISTRATION**

Phone: (954) 545-7073 Fax: (954) 786-545-7046

DATE: September 18th, 2025

TO: Brian Donovan, Assistant City Manager

FROM: Renuka Mohammed, Utilities Director

CC: Gregory P. Harrison, City Manager
Nathaniel Watson, Utilities Field Superintendent

SUBJECT: Status of Sanitary Sewer Overflows (SSOs) Violations and Penalties

Background

The utility was originally cited for twelve (12) violations related to Sanitary Sewer Overflows (SSOs) for the period 2021 through 2023. Through negotiation, the utility was ultimately found responsible for the following six (6) violations as noted in the Consent Order # SFCO 25-0457:

- 09/06/2022 – Lift Station 61, S Federal Hwy
- 12/29/2022 – 231 S Cypress Road
- 01/13/2023 – 1100 S Federal Hwy (Adjacent to Lift Station #44)
- 02/28/2023 – 1100 S Federal Hwy (Adjacent to Lift Station #44)
- 07/18/2023 – 599 SW 15 St, Lift Station #73
- 10/11/2023 – 190 N Ocean Blvd, Lift Station #12

Enforcement and Associated Penalties

Under the Environmental Litigation and Reform Act [403.121(3)(b)], the following penalties apply:

- \$10,000 for each unpermitted or unauthorized discharge or effluent limitation exceedance resulting in a surface water or groundwater quality violation.
- \$1,000 per day for each day that a water quality violation continued.

There was a total of four (4) spills fined at \$10,000 each, seven (7) days of water quality violations at \$1,000 each, and two (2) spills without water quality violations at approximately \$4,000 each, plus an administrative fee of \$500. Total assessed penalties with administrative fee is at \$55,967.00 (*See Estimated Fee Schedule Attached*).

Proposed Resolution

It is in the best interest of the Utilities Department to resolve via an *in-kind* project. Projects would allow for further investment to hardened current wastewater pumping and transmission infrastructure, mitigating against further SSOs while providing added redundancy of the system (see *SSO Map Attached*). Proposed *in-kind* projects for FDEP consideration are preliminary estimated between \$400,000 to \$600,000 but could be higher due to project type approval from FDEP and procurement mechanisms available to complete the work in the allotted timeframe. The funding source must be non-allocated for wastewater improvements at least eighteen months preceding the consent order.

Additional Pending Violations and Anticipated Penalties for 2024 – 2025 (to date)

- 2024: Four (4) pending SSO violations are subject to the \$10,000 fine each, plus the \$1,000 per day of water quality violation.
- 2025: Five (5) pending SSO violations are subject to the \$10,000 fine each, plus the \$1,000 per day of water quality violation.

Penalty Fee Estimation Schedule

FLSS0A776		City of Pompano Beach		Pompano Beach Collection System			DEP DIRECTIVE 923 403.121, F.S.(ELRA) Enforcement Manual Peer Review SOP <i>Please see ELRA Table worksheets for program specific guidelines.</i>		
Facility ID		Respondent(s)		Site Name					
Broward		1205 NE 5th Ave. Pompano Beach, Florida 33060							
County		Address							
3/21/2025		2		<input type="radio"/> ELRA penalty for purposes of settlement via Consent <input checked="" type="radio"/> Administrative penalty action via Notice of Violation					
Date		Penalty Calculation Prepared By							
Division	Program	Violation Type	Violation Description	Violation ID	ELRA Base Penalty	# of Violations	Multi-Day Penalty		Total
							Amount	# Days	
Water	WW	An unpermitted or unauthorized discharge or effluent limitation exceedance that resulted in a surface water or groundwater quality violation. [403.121(3)(b)]	Multiple unauthorized discharges resulting in water quality violations (#s 1, 2, 4,6)	75	\$10,000	4			\$40,000
Water	WW	An unpermitted or unauthorized discharge or effluent limitation exceedance for a domestic or industrial wastewater violation not involving a surface water or groundwater quality violation. [403.121(3)(b)]	Multiple unauthorized discharges not resulting in water quality violations(#s 4 and 6)	74	\$4,000	2			\$8,000
Water	WW	Failure to comply with any other departmental regulatory statute or rule requirement not otherwise identified in this section. [403.121(5)]	Seven days of water quality violations, beyond the active days of unauthorized discharges, which were caused by unauthorized discharges (#s 1, 2, 4 and 6)	87	\$1,000		7		\$7,000
Click the "Add Violation Row" button to add rows --->						Part I - Penalty Subtotal			\$55,000
Department Costs and Expenses			Dollar Amount						
Minimum enforcement case range: \$100 to \$500			\$500						
Average enforcement case range: \$500 to \$1000									
Complex enforcement case range: \$1000 to \$5000									
						Part I With Dept. Costs and Expenses Subtotal			\$55,500

Sanitary Sewer Overflows (SSOs) January 2021 – September 2025

