

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 12-24400-CIV-MORENO

UNITED STATES OF AMERICA, STATE OF
FLORIDA, and STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Plaintiffs,

vs.

MIAMI-DADE COUNTY, FLORIDA,

Defendant.

NOTICE ON PROPOSED CONSENT DECREE

THIS CAUSE came before the Court upon the Motion to Enter Consent Decree (**D.E. No. 86**), filed on **November 26, 2013**.

After careful review, the Court suggests that the parties' submit additional pleadings before it can approve the settlement and enter a Consent Decree. Possible additions to the settlement that would enhance the Court's confidence in compliance by Miami-Dade County with the Clean Water Act could be (1) the appointment of a Special Master to oversee that the repairs that have been promised continue and that the funding for them does not get deviated to other non-environmental projects that the County may deem more important and (2) an increase in the penalties the County would be required to pay for failing to make the repairs.

The Court recognizes that the County, its leader Mayor Gimenez, and both executive branches of the State of Florida and the United States have the same goal by this proposed Consent Decree -- to maintain Miami-Dade County's sewage system in a manner that protects the residents'

health and the surrounding environment. Court supervision, through a Special Master, and heftier penalties for non-compliance would assist the Court in enforcing the settlement entered into by Florida, the United States, and Miami-Dade County.

The remaining objections are overruled as not sufficient to overcome the presumption in favor of approval of the proposed Consent Decree. The parties may submit any additional comments, including proposed supplemental agreements to the Consent Decree by March 21, 2014. After that date, the Court will enter a final ruling, either rejecting or approving the settlement.

DONE AND ORDERED in Chambers at Miami, Florida, this 6th day of March, 2014.



FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies provided to:

Counsel of Record