



FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis
Governor

Jay Collins
Lt. Governor

Alexis A. Lambert
Secretary

Southeast District
2796 Overseas Highway Suite 221
Marathon, FL 33050
305-289-6600

October 15, 2025

Mr. Ron Saunders, Village Manager
Islamorada, Village of Islands
86800 Overseas Highway
Islamorada, FL, 33036
village.manager@islamorada.fl.us

Re: Islamorada, Village of Islands Collection System
WW Facility ID #FLSS0A521
Monroe County

Dear Mr. Saunders,

Enclosed is a Consent Order ("Order") prepared by the Department for resolution of the above-referenced enforcement case. Please review this document and within 20 days of receipt return a signed copy to the Department. All pages within the Order should be included with your returned signed copy. Once fully executed, a copy of the final document will be forwarded to you.

Should you have any questions or comments, please contact Sara Smith at 305-289-7090 or via e-mail at Sara.M.Smith@FloridaDEP.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sirena Davila".

Sirena Davila, Director
Southeast District
Florida Department of Environmental Protection

Enclosure: Consent Order

cc: Sirena Davila, FDEP (Sirena.Davila@FloridaDEP.gov)
Viviana Useche, FDEP (Viviana.Useche@FloridaDEP.gov)
M'Liss Bordelon, FDEP (Whitney.Bordelon@FloridaDEP.gov)
Sara Smith, FDEP (Sara.M.Smith@FloridaDEP.gov)
Andrew Engelmeyer, Public Works Director (andrew.engelmeyer@islamorada.fl.us)

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION)	SOUTHEAST DISTRICT
)	
v.)	OGC FILE NO. 25-0038
)	
ISLAMORADA VILLAGE OF ISLANDS)	
COLLECTION SYSTEM)	
)	

CONSENT ORDER

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and the Islamorada Village of Islands ("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 ("F.S."), and the rules promulgated and authorized in Title 62, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Order.

2. Respondent is a municipal corporation in the State of Florida and a person within the meaning of Section 403.031(5), F.S.

3. Respondent is the owner and is responsible for the operation of the Islamorada Village of Islands Collection and Transmission System ("System"), Facility ID Number FLSS0A521, a system of pipes and pump stations that collect sewage in Islamorada Village of Islands and delivers it to a regional wastewater treatment facility. Respondent is a volume sewer customer located in the North portion of the Florida Keys in Monroe County, Florida, between approximately Mile Marker 90 to Mile Marker 72 along U.S. Highway 1. Respondent purchases wastewater treatment and

disposal services from the Key Largo Wastewater Treatment Plant, Facility ID Number FLA370967.

4. The Department finds that the following violation(s) occurred:

a) The facility failed to prepare, maintain, or update the required operation and maintenance manual, including an emergency response plan, in violation of Rule 62-604.500(4)(b), F.A.C.

b) The facility had the following sanitary sewer overflows (SSO) or unauthorized discharges, in violation of Rule 62-604.130(1) F.A.C.

SWO #	Incident Date	Location	Volume (gal)	Recovered Volume (gal)	Untreated / Treated	Surface Water
2021-2348	05/03/2021	286 Gardenia St. Pump Station	10,000	0	Untreated	No
2022-5545	07/23/2022	286 Gardenia St. Pump Station	400,000	0	Untreated	No
2023-4943	6/18/2023	NB Overseas Hwy/ Burton Drive	2,000	0	Untreated	No
2024-4077	5/13/2024	NB Overseas HW/MM 92.3	4,000	0	Untreated	No
2025-2679	9/2/2024	NB Overseas Hwy/ MM 92.3	4,000	0	Untreated	No
2025-2679	03/27/2025	286 Gardenia St. Pump Station	10,000	0	Untreated	No

5. On December 12, 2023, the Department issued Permit Modification No. 281237-342-DWC-CM, authorizing replacement of an existing NPK Transfer Pump Station at 286 Gardenia Street with an in-line booster pump station at the same location. Respondent has stated that the construction and commissioning of this booster station would remedy the violations outlined in sub-paragraph 4(b) above. The permit did not provide a completion schedule for the in-line booster pump station, so the orders for corrective actions in this Order will establish one. Having reached a resolution of the matter Respondent and the Department mutually agree and it is

ORDERED:

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

a) Within 60 days of the effective date of this Order, Respondent shall submit to the Department a compliance plan and implementation schedule to address the recurring pipeline ruptures resulting in unauthorized discharges. The plan must include provisions for necessary repairs and maintenance, as well as detailed steps for completion and commissioning of the in-line booster pump station at 286 Gardenia Street, as authorized in Permit Modification No. 281237-342-DWC-CM which was issued on December 12, 2023. The schedule shall specify that all construction activities will have a final completion date of no later than December 31, 2027, including the commissioning of the in-line booster pump station.

b) Within 30 days of completing construction, Respondent shall submit a Certification of Completion to the Department. This certification shall be prepared and sealed by a professional engineer licensed in the State of Florida, and must confirm that the Facility modifications were completed in accordance with provision of Permit No. 281237-342-DWC-CM.

c) If either: (1) after 6 months of having completed construction of the design modifications identified in sub-paragraph 5(a) above, the Department determines that the modifications are inadequate to resolve the violation outlined in sub-paragraph 4(b) above, or (2) the Respondent fails to complete the modifications authorized in Permit No. 281237-342-DWC-CM within the timeframe established in the approved plan and schedule required in 6(a) above, then Respondent shall retain a professional engineer licensed in the state of Florida and ensure that an engineering evaluation is completed within 3 months of the applicable event. The evaluation shall identify the cause(s) of the violations.

d) Within 6 months of the applicable event listed in sub-paragraph 6(c) above, Respondent shall submit to the Department a report containing Facility design modifications, prepared and submitted under seal by a professional engineer registered with the state of Florida, to remedy the cause(s) of the violation identified in sub-paragraph 4(b) above.

e) If a permit is required to construct the design modifications, then within 60 days of submittal of the report referenced in sub-paragraph 6(d) above, Respondent shall submit a complete application for a Department wastewater permit to construct the modifications. In the event the Department requires additional information to process the permit application Respondent shall provide a written response containing the information requested by the Department within 90 days of the date of the request.

f) Within 6 months after issuance of the wastewater permit, or if no permit is required, within 12 months of Department approval of the proposed design modification(s), Respondent shall complete construction of the modification(s).

g) Within 30 days after completion of construction, Respondent shall submit to the Department a Certification of Completion, prepared and sealed by a professional engineer licensed in the State of Florida, stating that modifications to the system have been constructed in accordance with the provisions of the Permit, if a permit is required.

h) Within 90 days of the effective date of this Order, Respondent shall submit to the Department the updated Emergency Response Plan required in Rule 62-604.500(4)(b), F.A.C., including operation and maintenance of the backup power and pumping systems required by Rule 62-604.400(2)(a), F.A.C. The Emergency Response Plan shall address power interruptions and equipment malfunctions from all causes, as required in Rule 62-604.500(4)(b), F.A.C.

7. Every six months after the effective date of this Order, Respondent shall submit to the Department a written report containing information about the status and progress for completing the corrective actions outlined in paragraph 6 of this Order. If the Respondent does not move forward with completing the pump station modifications as authorized in the aforementioned permit, then the reports shall include the status and progress of completing the proposed alternate plan. These reports shall also include a projection of the work Respondent will perform pursuant to

this Order during the 6-month period which will follow the report. Respondent shall submit the reports to the Department by January 30 and July 30 of each year covered under this Order until the pump station improvement project is completed and placed into service.

8. Notwithstanding the time periods described in the paragraphs above, Respondent shall complete all corrective actions required by Paragraph 6 within three years of the effective date of this Order and be in full compliance with Chapters 62-600, 62-620, and 62-604, F.A.C., regardless of any intervening events or alternative time frames imposed in this Order, other than those excused delays agreed to by the Department.

9. Within 60 days of the effective date of this Order, Respondent shall pay the Department \$11,320.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$10,820.00 for civil penalties and \$500.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalty in this case includes two violations that each warrant a penalty of \$2,000.00 or more.

10. In lieu of making cash payment of \$10,820.00 in civil penalties as set forth in paragraph 9 above, Respondent may elect to offset this amount by implementing an in-kind penalty 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 and may not be a corrective action requirement of the Order or otherwise required by law. 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 civil penalty off-set amount, which in this case is the equivalent of at least \$16,230.00. If Respondent chooses to implement an in-kind project, Respondent shall notify the Department of its election by certified mail within 15 days of the effective date of this Consent Order. Notwithstanding the

election to implement an in-kind project, payment of the remaining \$500.00 in costs must be paid within 30 days of the effective date of the Consent Order.

11. In the event that Respondent elects to off-set civil penalties including stipulated penalties by implementing an in-kind penalty project which is approved by the Department, during the period that this Order remains in effect or during the effective date of any Department issued Permit to Respondent whichever is longer (Prohibited Transfer Duration), Respondent shall not transfer or use funds obtained by the Respondent from the collection of sewer rates for any purpose not related to the management, operation, or maintenance of the Sewer System or to any capital improvement needs of the Sewer System (hereinafter, Prohibited Transfer). Respondent shall annually certify to the Department using the Annual Certification Form located in Exhibit A to this Order that no Prohibited Transfer has occurred. In the event of any Prohibited Transfer, the In-Kind project option shall be forfeited, and entire civil penalty shall immediately become due and owing to the Department irrespective of any expenditures by the Respondent in furtherance of the In-Kind project.

12. Respondent agrees to pay stipulated penalties to the Department as follows:

a) Stipulated penalties shall be assessed for any unauthorized discharges from Respondent's collection system or treatment and disposal facilities according to the volume of the discharge and the number of days the discharge continued and/or impacted surface water, as shown below:

<u>Amount per day per Discharge</u>	<u>Discharge Volume</u>
\$1,000.00	Up to 5,000 gallons
\$2,000.00	5,001 to 10,000 gallons
\$5,000.00	10,001 to 25,000 gallons
\$10,000.00	25,001 to 100,000 gallons
\$15,000.00	in excess of 100,000 gallons

b) Stipulated penalties in the amount of \$1,000.00 shall be assessed for each and every day Respondent fails to comply with paragraph 6 of this Order, including any plans and schedules submitted by Respondent to the Department which once approved shall be made an enforceable part of this Order.

13. **In-Kind Projects to Offset Stipulated Penalties:** In lieu of making cash payment of the amount required under paragraph 12 (stipulated penalties) above, the Department, at its discretion, may allow Respondent to offset 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 offsets. 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 12. If acceptable, the Respondent shall comply with all the requirements and timeframes in Consent Order 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.

14. 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 several days after this order is final, effective and filed with the Clerk of the Department before ability to make online payment is available.

15. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Compliance Assurance Program, Department of Environmental Protection, Southeast District Office at 2796 Overseas Highway Suite 221, Marathon, FL 33050.

16. 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.

17. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid

or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

18. 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 the terms of this Order.

19. 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.

20. 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.

21. 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.

22. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., 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, F.S.

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

25. This Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., 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, F.S. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

26. Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all the following information:

- a) The OGC Number assigned to this Consent Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- d) A statement of when and how the petitioner received notice of the Consent Order;

- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Consent Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

The petition 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 District Office at Southeast District, 2796 Overseas Highway Suite 221, Marathon, FL 33050. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

27. Rules referenced in this Order are available at

<http://www.dep.state.fl.us/legal/Rules/rulelist.htm>

FOR THE RESPONDENT:

Ron Saunders
Village Manager
Islamorada Village of Islands

Date

DONE AND ORDERED this _____ day of _____, 2025, in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Sirena Davila
Director, Southeast District

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

Clerk

Date

Copies furnished to:
Lea Crandall, Agency Clerk
Mail Station 35

Exhibit A
In-Kind Projects

Introduction

Proposal

Within 60 days of the effective date of this Consent Order, or of the Department's notification that applying stipulated penalties to an in-kind project is acceptable, Respondent shall submit, by certified mail, a detailed in-kind project proposal to the Department for evaluation. The proposal shall include a summary of benefits, proposed schedule for implementation and documentation of the estimated costs which are expected to be incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the in-kind project.

Proposal Certification Form

The proposal shall also include a Certification by notarized affidavit from a senior management official for _____ (insert name of Respondent) who shall testify as follows:

1. My name is _____ (print or type name of senior management official) and do hereby testify under penalty of law that:

a) I am a person with management responsibilities for _____ (print or type name of Respondent) budget and finances. During the eighteenth month period prior to the effective date of Consent Order OGC Case No.: _____ there has not been any transfer or use of funds obtained by the _____ (print or type name of Respondent) from the collection of sewer rates for any purpose not related to the management, operation, or maintenance of the Sewer System or to any capital improvement needs of the Sewer System.

b) I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly submitting false information in this certification.

Sworn to and subscribed before me, by means of physical presence or online notarization, this _____ day of _____, 20____ by

Personally, known or by Production of the following Identification _____

Notary Public, State of Florida

Printed/typed or stamped name:

My Commission Expires: _____

Commission/Serial No.: _____

Annual Certification Form

1. My name is _____ (print or type name of senior management official) and do hereby testify under penalty of law that:

a) I am a person with management responsibilities for _____ (print or type name of Respondent) budget and finances. During the twelve month period immediately preceding the notary date on this Certification, there has not been any transfer or use of funds obtained by the _____ (print or type name of Respondent) from the collection of sewer rates for any purpose not related to the management, operation, or maintenance of the Sewer System or to any capital improvement needs of the Sewer System.

b) I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly submitting false information in this certification.

Sworn to and subscribed before me, by means of physical presence or online notarization, this _____ day of _____, 20____ by

Personally, known or by Production of the following Identification _____

Notary Public, State of Florida

Printed/typed or stamped name:

My Commission Expires: _____

Commission/Serial No.: _____

c) If the Department requests additional information or clarification due to a partially incomplete in-kind project proposal or requests modifications due to deficiencies with Department guidelines, Respondent shall submit, by certified mail, all requested additional information, clarification, and modifications within 15 days of receipts of written notice.

d) If upon review of the in-kind project proposal, the Department determines that the project cannot be accepted due to a substantially incomplete proposal or due to substantial deficiencies with minimum Department guidelines; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the proposal. Respondent shall correct and redress all the matters at issue and submit, by certified mail, a new proposal within 30 days of receipt of written notice. In the event that the revised proposal is not approved by the Department, Respondent shall make cash payment of the civil penalties as set forth in paragraph 14 of this Order, within 30 days of Department notice.

e) Within 120 days of the effective date of this Consent Order, or, of the Department's notification that applying stipulated penalties to an in-kind project is acceptable Respondent shall obtain approval for an in-kind project from the Department. If an in-kind project proposal is not approved by the Department within 120 days of the effective date of this Consent Order, or, of the Department's notification that applying stipulated penalties to an in-kind project is acceptable then Respondent shall make cash payment of the civil penalties as set forth in paragraph 14 of this Order, within 30 days of Department notice.

f) Within 180 days of obtaining Department approval for the in-kind proposal or in accordance with the approved schedule submitted pursuant to paragraph 2(a) above, Respondent shall complete the entire in-kind project.

g) During the implementation of the in-kind project, Respondent shall place appropriate sign(s) at the project site indicating that Respondent's involvement with the project is the result of a Department enforcement action. Respondent may remove the sign(s) after the project has been completed. However, after the project has been completed Respondent shall not post any sign(s) at the site indicating that the reason for the project was anything other than a Department enforcement action.

h) In the event, Respondent fails to timely submit any requested information to the Department, fails to complete implementation of the in-kind project or otherwise fails to comply with any provision of this paragraph, the in-kind penalty

project option shall be forfeited, and the entire amount of civil penalties shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the \$7,320 penalty, no additional penalties shall be assessed for failure to complete the requirement of this paragraph.

i) Within 15 days of completing the in-kind project, Respondent shall notify the Department, by certified mail, of the project completion and request a verification letter from the Department. Respondent shall submit supporting information verifying that the project was completed in accordance with the approved proposal and documentation showing the actual costs incurred to complete the project. These costs shall not include those incurred in developing the proposal or obtaining approval from the Department for the project.

j) If upon review of the notification of completion, the Department determines that the project cannot be accepted due to a substantially incomplete notification of completion or due to substantial deviations from the approved in-kind project; Respondent shall be notified, in writing, of the reason(s) which prevent the acceptance of the project. Respondent shall correct and redress all the matters at issue and submit, by certified mail, a new notification of completion within 15 days of receipt of the Department's notice. If upon review of the new submittal, the Department determines that the in-kind project is still incomplete or not in accordance with the approved proposal, the in-kind penalty project option shall be forfeited, and the entire amount of civil penalty shall be due from the Respondent to the Department within 30 days of Department notice. If the in-kind penalty project is terminated and Respondent timely remits the \$7,320, no additional penalties shall be assessed for failure to complete the requirements of this paragraph.