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VIA ELECTRONIC CORRESPONDENCE

June 3, 2016

CCN: 60294
File No: 8.DC.19.82

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044-7611
RE: DOJ No. 90-5-1-1-4022/1
Walter.Benjamin.Fisherow@usdoj.gov

Chief, Clean Water Enforcement Branch
Water Protection Division
Attn: Brad Ammons
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Florida Department of Environmental Protection
Southeast District – West Palm Beach
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
Attn: Compliance/Enforcement Section
Diane.Pupa@dep.state.fl.us

RE: Consent Decree (Case: No. 1:12-cv-24400-FAM)
Reference DOJ Case No. 90-5-1-1-4022/1
Section VI – Specific Capital Improvement Projects, Paragraph 19(i)
Section XX – Modification
2016 Request for Modification of Non-Material Changes to Interim Milestones Report No. 2 and Request for Modification of Execution Phases for Design–Build Projects

Dear Sir/Madam:

Pursuant to our past discussions, Miami-Dade County respectfully requests approval of modifications for non-material changes to Appendix D-2 in conformance with Sections VI.19(i) and XX of the referenced Consent Decree. Attached for your review and approval is the 2016 Request for Modification of Non-Material Changes to Interim Milestones Report No. 2 table containing the non-material modifications to certain dates for phased work in Appendix D-2. Also attached is a request for modification of the execution phase descriptions for design-build projects to better reflect the procurement strategy.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering such information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Should you have any questions regarding this matter, please call me at (786) 552-8120.

Sincerely,



Bertha Goldenberg, P.E., LEED® Green Associate
Assistant Director, Regulatory Compliance and Planning

Attachments: 2016 Request for Modification of Non-Material Changes to Interim Milestones Report No. 2 and Request for Modification of Execution Phases for Design-Build Projects Tables

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2016 Request for Modification of Interim Milestones Report No. 2 Table

Project ID	Project Name	Activity Name	START DATES			END DATES			NOTES
			Original CD Start Date	EPA Approved Start Date	Requested Modification to Start Date	Original CD End Date	EPA Approved End Date	Requested Modification to End Date	
1.7.1	Digesters and Control Building	Engineering Design	1-Nov-13	3-Jul-14	NC	26-Jul-14	31-Jul-16	30-Sep-16	Due to the size of this project and operational concerns, the design phase has been pushed out several months. No anticipated impact to the project compliance date.
1.9.2	FOG Removal Facility	Permitting	3-May-14	17-Feb-16	NC	2-May-15	15-Jun-16	14-Sep-16	FDEP comments to the BODR, submitted in November 2015, were received recently and have been addressed; however, the permitting completion date has been pushed out. Currently there is no anticipated impact to the project compliance date.
2.2.2	CD Repairs to Various Buildings	Permitting	19-Oct-14	19-Oct-14	NC	18-Oct-15	20-Apr-16	27-Aug-16	Due to quality issues with the designer for Subproject 2.02 (2) Remodel Bathrooms, Locker Rooms and Showers, the drawings were submitted to the Building Department later than the current interim milestone date and therefore an extension is required. Currently there is no anticipated impact to the project compliance date.
2.2.3		Procurement	19-Oct-15	19-Oct-15	NC	17-Oct-16	17-Oct-16	25-Dec-16	The above impacts to permitting have pushed out the procurement dates for subproject 2.02 (2). This is a minor subproject with a short construction duration. Currently there is no anticipated impact to the project compliance date.
2.3.3	Headworks/Grit Basin Plant 1	Procurement	4-Aug-15	6-Jan-16	NC	2-Aug-16	2-Aug-16	21-Aug-16	Procurement end date is projected to be very close to approved EPA interim milestone date. We are requesting a few weeks extension to the date preemptively in the event there are any delays. Currently there is no anticipated impact to the project compliance date.
2.3.4		Construction	3-Aug-16	3-Aug-16	22-Aug-16	22-Oct-17	22-Oct-17	NC	Construction start date is projected to be very close to approved EPA interim milestone date. We are requesting a few weeks extension to the date preemptively in the event there are any delays. Currently there is no anticipated impact to the project compliance date.
2.13.1	Gravity Sludge Thickeners Plant 2	Engineering Design	1-Oct-15	1-Oct-15	NC	5-Apr-16	5-Apr-16	22-Jul-16	This is a design-build project. As a result, a modification of start and end dates for permitting (which will be performed by the design-builder after contractor award and final design) are required. Also, on February 11, 2016 the County submitted a request for non-material change of the scope of this project. Overlapping/expediting of interim activities planned to complete project in accordance with the final CD milestone date.
2.15.1.3	Digesters Plant 2 - Cluster 1	Procurement	7-Apr-15	28-Mar-16	NC	5-Apr-16	23-Sep-16	12-Sep-16	Procurement end date is projected to be very close to approved EPA interim milestone date. We are requesting a few weeks extension to the date preemptively in the event there are any delays. Currently there is no anticipated impact to the project compliance date.
2.15.3.1	Digesters Plant 2 - Cluster 3	Engineering Design	1-Dec-16	10-Jul-16	10-Jan-18	6-Jun-17	6-Jun-17	7-Dec-18	The sequence for Cluster 2 (CD 2.15.2) and Cluster 3 (CD 2.15.3) was changed so that Cluster 2 will be refurbished before Cluster 3. As such, we kindly request that the EPA dates be modified accordingly.
2.15.3.2		Permitting	7-Jun-17	7-Jun-17	8-Dec-18	6-Jun-18	6-Jun-18	7-Dec-19	
2.15.3.3		Procurement	7-Jun-18	7-Jun-18	8-Dec-19	6-Jun-19	6-Jun-19	6-Dec-20	
2.15.3.4		Construction	7-Jun-19	7-Jun-19	7-Dec-20	18-Jan-21	18-Jan-21	21-Jul-22	

2016 Request for Modification of Interim Milestones Report No. 2 Table

Project ID	Project Name	Activity Name	START DATES			END DATES			NOTES
			Original CD Start Date	EPA Approved Start Date	Requested Modification to Start Date	Original CD End Date	EPA Approved End Date	Requested Modification to End Date	
2.17.2	Chlorination Facilities	Permitting	8-Sep-14	8-Sep-14	NC	7-Sep-15	6-Jun-16	30-Jul-16	Permitting for this project has taken longer to get approval from the permitting agencies than anticipated. The project is already in construction and foundation permits have been issued so that construction can continue; however, because all of the permits from the various disciplines have not yet been obtained we are requesting an extension to the interim milestone date. Currently there is no anticipated impact to the project compliance date.
2.22.2	Pump Station No. 2	Permitting	6-Feb-15	6-Feb-15	NC	5-Feb-16	9-Oct-16	9-Nov-16	Permitting for this project has taken longer to get approval from the permitting agencies than anticipated. The contractor procurement is being performed concurrently with the permitting in order to maintain the project end date. Currently there is no anticipated impact to the project compliance date.
2.27.1	Oxygen Production	Engineering Design	1-Jan-15	1-Jan-15	NC	31-Dec-15	6-Sep-16	17-Apr-17	The site selection process for the new Oxygen Production facility required a much greater level of effort and duration than originally anticipated which impacted the design schedule. Delays in engineering activities is resulting in impacts to the successor permitting and procurement. Overlapping/expediting of interim activities is planned in order to complete the project in accordance with the final CD milestone date.
2.27.2		Permitting	1-Jan-16	7-Sep-16	21-Nov-16	30-Dec-16	5-Mar-17	NC	
4.8.3	Rehabilitation of 54 inch PCCP FM in the City of Miami	Procurement	6-Mar-15	6-Mar-15	NC	4-Mar-16	19-Apr-16	8-Jul-16	The procurement for this project comprised of a prequalification criteria for trenchless technology. Approval of procurement method took longer than originally anticipated. Therefore, dates for downstream activities were affected. Expediting of the balance of activities is planned in order to complete the project in accordance with the final CD milestone date.
4.8.4		Construction	5-Mar-16	20-Apr-16	9-Aug-16	9-Apr-17	9-Apr-17	NC	The late start of contractor procurement has pushed out the start date for construction. Currently there is no anticipated impact to the project compliance date.
5.6.2	Replacement of Switchgear of PS# 0416	Permitting	8-Jun-14	14-May-15	NC	7-Jun-15	28-Jul-16	20-Sep-16	Permitting activities have extended beyond the interim milestone date and therefore we are requesting the finish date for permitting be modified. Currently there is no anticipated impact to the project compliance date.
5.17.2	Upgrade of PS# 0037, 0351, 0370, 0403	Permitting	10-Jul-16	10-Jul-16	NC	8-Oct-16	8-Oct-16	28-Dec-16	Following activities have been pushed out due to late start of design. Currently there is no anticipated impact to the project compliance date.
5.17.3		Procurement	8-Oct-16	8-Oct-16	20-Oct-16	6-Apr-17	6-Apr-17	NC	

NC: No change is requested.

Note: Highlighted dates are extensions to the modification requests made on April 4, 2016.

2016 Request for Modification of Interim Milestones for Design-Build Projects

Project ID	Project Name	CURRENT EPA INTERIM MILESTONES								PROPOSED DESIGN-BUILD MILESTONES						NOTES
		ENGINEERING DESIGN		PERMITTING		PROCUREMENT		CONSTRUCTION		INITIAL ENGINEERING		PROCUREMENT		DESIGN-BUILD		
		Start	Finish	Start	Finish	Start	Finish	Start	Finish	Start	Finish	Start	Finish	Start	Finish	
1.06	Gravity Sludge Thickeners	1-Jan-18	18-Aug-18	19-Aug-18	18-Aug-19	19-Aug-19	17-Aug-20	18-Aug-20	24-Sep-22	3-Jul-14	22-Jul-16	29-Mar-16	3-Nov-17	4-Nov-17	24-Sep-22	Initial Engineering Start is defined as the issuance of the Task Authorization (TA). Initial Engineering Finish is defined as the issuance of Request for Design-Build Services (RDBS). Procurement Start is defined as issuance of procurement documents to WASD. Procurement Finish is defined as issuance of a Purchase Order. Design-Build Start is defined as Design Builder Contractor receiving Notice to Proceed (NTP). Design-Build Finish is defined by completion of construction.
1.08	Dewatering Facility	1-Jul-14	13-Apr-15	14-Apr-15	26-Dec-17	13-Apr-16	12-Apr-17	12-Jun-17	28-Nov-19	13-Apr-15	22-Jul-16	29-Mar-16	3-Nov-17	4-Nov-17	28-Nov-19	
2.12	Gravity Sludge Thickeners Plant 1	1-Apr-17	5-Oct-17	6-Oct-17	5-Oct-18	6-Oct-18	5-Oct-19	6-Oct-19	23-Apr-21	30-Apr-15	22-Jul-16	29-Mar-16	3-Nov-17	4-Nov-17	23-Apr-21	
2.13	Gravity Sludge Thickeners Plant 2	1-Oct-15	5-Apr-16	6-Apr-17	11-Dec-17	6-Apr-17	5-Apr-18	6-Apr-18	23-Oct-19	11-Jun-14	22-Jul-16	29-Mar-16	3-Nov-17	4-Nov-17	23-Oct-19	
2.16	Dewatering Building	1-Jun-16	1-Aug-17	2-Aug-17	1-Aug-18	2-Aug-18	1-Aug-19	2-Aug-19	7-Aug-21	1-May-15	22-Jul-16	29-Mar-16	3-Nov-17	4-Nov-17	7-Aug-21	
2.27	Oxygen Production	1-Jan-15	6-Sep-16	7-Sep-16	5-Mar-17	6-Mar-17	30-Dec-17	31-Dec-17	30-Dec-19	16-Apr-15	18-Apr-16	19-Apr-16	21-Jan-18	22-Jan-18	30-Dec-19	