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**VIA ELECTRONIC CORRESPONDENCE**

April 24, 2015

CCN: 59319  
File No: 8.DC.20.19 & 82

Chief, Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611  
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RE: DOJ No. 90-5-1-1-4022/1  
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Chief, Clean Water Enforcement Branch  
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[Michael.Hambor@dep.state.fl.us](mailto:Michael.Hambor@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 XI, Paragraph 52 – Force Majeure  
Section XVII, Paragraph 77 – Notices  
Force Majeure for Capital Improvement Project 4.10 Opa-Locka Airport 48” Force  
Main PCCP Replacement Project Closeout Letter**

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree, the Miami-Dade Water and Sewer Department (MDWASD) orally notified EPA and FDEP on February 13, 2015 of a potential delay in the Capital Improvement Project (CIP) 4.10 due to suspected presence of a Florida Burrowing Owl on the project site. On February 27, 2015, the MDWASD submitted a letter to EPA and FDEP to provide additional information for the potential delay. A preliminary field visit conducted on February 27, 2015 by a senior ecologist indicated no presence of Burrowing Owls. During her site visit, however, the senior ecologist noted that a portion of the project site area could possibly be designated as wetlands. Upon further study, the senior ecologist concluded that the project site did not qualify as wetlands. MDWASD has been moving forward and, according to the CD Program Schedule Update, is projected to meet the Opa-Locka Airport 48” Force Main PCCP Replacement Project (4.10) CD completion compliance date of January 28, 2018. The Department is currently analyzing if the time required to perform the wildlife and wetlands evaluations will necessitate

adjustments to any interim project milestones. Any milestone adjustments, if necessary, will be conveyed to USEPA and FDEP in a future correspondence.

MDWASD is committed to successfully meeting the requirements of the Consent Decree. Should you have any questions regarding this matter, please call me at (786) 552-8571.

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.

Sincerely,



Juan Carlos Arteaga, AIA, NCARB, CBO, APA, LEED® AP  
Deputy Director

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