



Miami-Dade Water and Sewer Department
P.O. Box 330316 • 3071 SW 38th Avenue
Miami, Florida 33233-0316
T 305-665-7471

miamidade.gov

VIA ELECTRONIC CORRESPONDENCE

September 2, 2014

CCN: 58673
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
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
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
Ammons.Brad@epa.gov

Rachael Amy Kamons
Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044-7611
Rachael.Kamons@usdoj.gov

Florida Department of Environmental Protection
Southeast District – Suite 200
400 N. Congress Ave.
West Palm Beach, FL 33401
Attn: Compliance/Enforcement Section
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 VI – Specific Capital Improvement Projects, Paragraph 19(i)
Section XX – Modification, Paragraph 82
Revised Table 1 - Requested Modifications for Non-material Changes to Appendix
D-2, for activities prior to July 1, 2014**

Dear Sirs and Madame:

As we discussed, we have identified one (1) additional project with three interim milestones, two (2) other interim milestones and modified two interim milestones that should have been included in **Table 1 – Requested Modifications for Non-material Changes to Appendix D-2, for activities prior to July 1, 2014** in our letter dated August 27, 2014. The revised Table 1 is included for your review and approval.

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

Attachments: Revised Table 1 - Requested Modifications for Non-Material Changes to Consent Decree Appendix D-2

ec: Jonathan A. Glogau
Special Counsel
Chief, Complex Litigation
Office of the Attorney General
PL-01, The Capitol
Tallahassee, FL 32399-1050
850-414-3817
Jon.Glogau@myfloridalegal.com

Florida Department of Environmental Protection
Southeast District – Suite 200
400 N. Congress Ave.
West Palm Beach, FL 33401
Attn: Compliance/Enforcement Section
Linda.Brien@dep.state.fl.us
Lisa.M.Self@dep.state.fl.us
Sed.wastewater@dep.state.fl.us

Mayor Carlos A. Gimenez
Miami-Dade County
111 NW First Street 29th Floor
Miami, Florida 33128

Bill Johnson, Director
Miami-Dade Water and Sewer Department
3071 SW 38th Avenue
Miami, Florida 33146

Jack Osterholt
Director, Miami-Dade Regulatory and
Economic Resources
111 NW 1st St
29th Floor
Miami, FL 33128
Josterholt@miamidade.gov

Robert A. Cuevas, Jr.
Miami-Dade County Attorney
111 NW First Street Suite 2810
Miami, Florida 33128

William Bush
Associate Regional Counsel
U.S. EPA, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303
Bush.William@epa.gov

William A. Weinischke
Senior Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044
Bill.Weinischke@usdoj.gov

Table 1
Requested Modifications for Non-Material Changes to Consent Decree Appendix D-2
Miami-Dade Water and Sewer Department
2-Sep-14

Project ID	Project Name	Activity Name	START DATES		END DATES		Progress To Date	Planned Schedule Mitigation Actions	Construction Completion Dates		
			CD Start Date	Requested Start Date	CD End Date	Requested End Date			CD Completion Date	Current Forecast Date	Completion Date Variance
1.7.1	Digesters + Control Building (SDWWTP)	Engineering Design	11/1/2013	7/3/2014	7/26/2014	7/31/2016	Preliminary engineering design activities, including project definition, scope of work and preparation of BODR, have started. WASD is in the process of procuring a design consultant.	Overlapping/expediting permitting and procurement activities and shortening of the construction schedule. This project is projected to be completed in accordance with the Consent Decree milestone date.	10/28/2021	10/28/2021	0
1.9.1 1.9.2	FOG Removal Facility (SDWWTP)	Engineering Design	11/1/2013	7/8/2014	5/2/2014	6/30/2015	Preliminary engineering design activities, including project definition, scope of work and preparation of BODR, have started. WASD is in the process of procuring a design consultant.	Overlapping/expediting permitting and procurement activities and shortening of the construction schedule. This project is projected to be completed in accordance with the Consent Decree milestone date.	12/7/2017	12/7/2017	0
	Permitting	5/3/2014	7/1/2015	5/2/2015	12/27/2015						
2.3.1	Headworks/Grit Basin Plant 1 (CDWWTP)	Engineering Design	10/1/2013	9/1/2014	8/3/2014	7/4/2015	Preliminary engineering design activities, including project definition and scope of work, have started. WASD is in the process of procuring a design consultant.	Overlapping/expediting permitting and procurement activities and shortening of the construction schedule. This project is projected to be completed in accordance with the Consent Decree milestone date.	10/22/2017	10/22/2017	0
2.4.1	Headworks/Grit Basin Plant 2 (CDWWTP)	Engineering Design	5/1/2014	9/1/2014	3/3/2015	10/2/2015	Preliminary engineering design activities, including project definition and scope of work, have started. WASD is in the process of procuring a design consultant.	Overlapping/expediting permitting and procurement activities and shortening of the construction schedule. Evaluating pre-purchasing of long lead materials. This project is projected to be completed in accordance with the Consent Decree milestone date.	5/22/2018	5/22/2018	0
2.15.1.1 2.15.1.2	Digesters Plant 2 Cluster 1 (CDWWTP)	Engineering Design	10/1/2013	6/11/2014	4/6/2014	5/31/2015	Design is in progress.	Overlapping/expediting permitting and procurement activities and shortening of the construction schedule. This project is projected to be completed in accordance with the Consent Decree milestone date.	11/18/2017	11/18/2017	0
	Permitting	4/7/2014	2/21/2015	4/6/2015	2/20/2016						
2.29.1	High Strength Influent Impact Study	Engineering Study	1/1/2013	2/12/2013	6/24/2014	N/C	Project is complete.	N/A	6/24/2014	6/5/2014	-19
3.1.1 3.1.2	Headworks/Sludge Degrat & Transfer (NDWWTP)	Engineering Design	1/1/2013	3/20/2013	9/27/2013	9/19/2014	Design is in progress.	Overlapping/expediting permitting and procurement activities and shortening of the construction schedule. This project is projected to be completed in accordance with the Consent Decree milestone date.	4/7/2018	4/7/2018	0
	Permitting	10/1/2013	7/11/2014	9/30/2014	9/5/2015						
3.8.1	Plant Wide Electrical (NDWWTP)	Engineering Design	11/1/2013	4/21/2014	1/20/2017	N/C	Design is in progress.	Original Construction duration was shortened. This project is projected to be completed in accordance with the Consent Decree milestone date.	8/20/2022	8/20/2022	0
3.9.1	Flood Mitigation (NDWWTP)	Engineering Design	11/1/2013	4/21/2014	11/26/2014	5/30/2015	Design is in progress.	Overlapping/expediting permitting and procurement activities. This project is scheduled to be completed in accordance with the Consent Decree milestone date.	8/13/2017	8/13/2017	0
4.3.1 4.3.2	Government Cut FM - Phase 3	Engineering Design	10/1/2012	1/30/2013	5/7/2013	1/22/2014	Project has been awarded to a design-build contractor who has mobilized and is currently working on design documents.	The design criteria package was completed ahead of schedule. Project is being performed as a design-build and is scheduled to be completed ahead of the Consent Decree milestone date.	4/8/2017	5/27/2016	-316
	Permitting	5/8/2013	7/14/2014	5/7/2014	12/10/2014						
4.4.2	North Dade 72" PCCP FM Rehabilitation	Permitting	3/7/2014	10/4/2014	3/6/2015	N/C	Design criteria package has been completed.	This project is projected to be completed ahead of schedule.	3/5/2018	5/27/2016	-647
4.5.1 4.5.2	South Dade 54 inch PCCP FM Rehabilitation	Engineering Design	10/1/2013	8/5/2014	4/6/2014	2/20/2015	Preliminary engineering design activities , including hydraulic analysis, conceptual alternative evaluation and route analysis have started. WASD has issued a notice to proceed to the design consultant for preparation of a design criteria package.	Project is being proposed utilizing a design-build delivery method, including expediting of the design criteria package (DCP). This project is projected to be completed in accordance with the Consent Decree milestone date.	11/27/2017	11/27/2017	0
	Permitting	4/7/2014	1/4/2016	4/6/2015	1/2/2017						

Table 1
Requested Modifications for Non-Material Changes to Consent Decree Appendix D-2
Miami-Dade Water and Sewer Department
2-Sep-14

Project ID	Project Name	Activity Name	START DATES		END DATES		Progress To Date	Planned Schedule Mitigation Actions	Construction Completion Dates		
			CD Start Date	Requested Start Date	CD End Date	Requested End Date			CD Completion Date	Current Forecast Date	Completion Date Variance
4.7.1 4.7.2	Replace 18" DIP FM in Miami Lakes	Engineering Design	11/1/2013	N/C	3/5/2014	5/8/2014	Design has been completed and permitting is at 50% complete.	Design was completed in May 2014 and is currently in permitting. Construction is projected to be completed ahead of schedule.	4/9/2017	11/5/2016	-155
		Permitting	3/6/2014	6/9/2014	3/5/2015	N/C					
4.8.1 4.8.2	Rehabilitation of 54 inch PCCP FM in the City of Miami	Engineering Design	11/1/2013	10/6/2014	3/5/2014	4/3/2015	Preliminary engineering design activities, including hydraulic analysis, conceptual alternative evaluation and route analysis have started. WASD is in the process of procuring a design consultant.	Project is being proposed utilizing a design-build delivery method, including expediting of the design criteria package (DCP) and procurement of the Design-Builder. This project is projected to be completed in accordance with the Consent Decree milestone date.	4/9/2017	4/9/2017	0
		Permitting	3/6/2014	4/4/2015	3/5/2015	12/29/2015					
4.10.1	Opa-Locka Airport 48" PCCP FM Replacement	Engineering Design	11/1/2013	10/6/2014	7/28/2014	4/23/2015	Preliminary engineering design activities, including schedule and cost evaluation for validation purposes have started. WASD is in the process of procuring a design consultant.	Project is being proposed utilizing a design-build delivery method, including expediting of the design criteria package (DCP) and procurement of the Design-Builder. This project is projected to be completed in accordance with the Consent Decree milestone date.	1/28/2018	1/28/2018	0
5.1.2	Upgrade of PS #0418	Permitting	6/7/2014	7/14/2014	6/6/2015	6/17/2015	Design has been completed.	Design for this project was completed in May 2014 and the permitting phase is 50% complete. Completion is currently projected to be ahead of schedule	11/24/2018	6/29/2018	-148
5.2.1	Upgrade of PS #0691	Engineering Design	11/1/2013	10/7/2014	8/9/2014	5/15/2015	Preliminary engineering design activities, including preparation of BODR and hydraulic evaluation have started. WASD is in the process of procuring a design consultant.	The permitting and procurement activities will be expedited and/or done concurrently in order to achieve the project substantial completion/compliance date.	1/27/2019	1/27/2019	0
5.3.1	Upgrade of PS #0692	Engineering Design	11/1/2013	10/7/2014	8/9/2014	5/15/2015	Preliminary engineering design activities, including project definition, scope of work, and hydraulic analysis have started. WASD is in the process of procuring a design consultant.	The permitting and procurement activities will be expedited and/or done concurrently in order to achieve the project substantial completion/compliance date.	1/27/2019	1/27/2019	0
5.4.1 5.4.2	Replacement of switchgear PS #0414	Engineering Design	11/1/2013	10/7/2014	6/7/2014	5/13/2015	Preliminary engineering design activities, including hydraulic analysis and preparation of BODR have started. WASD is in the process of procuring a design consultant.	The permitting and procurement activities will be expedited and/or done concurrently in order to achieve the project substantial completion/compliance date.	5/9/2018	5/9/2018	0
		Permitting	6/8/2014	5/14/2015	6/7/2015	5/12/2016					
5.5.1	Replacement of switchgear & rehab wetwell PS #0415	Engineering Design	11/1/2013	10/7/2014	8/9/2014	7/15/2015	Preliminary engineering design activities, including hydraulic analysis and preparation of BODR have been started. WASD is in the process of procuring a design consultant.	The permitting and procurement activities will be expedited and/or done concurrently in order to achieve the project substantial completion/compliance date.	1/27/2019	1/27/2019	0
5.6.1 5.6.2	Replacement of switchgear PS #0416	Engineering Design	11/1/2013	10/7/2014	6/7/2014	5/13/2015	Preliminary engineering design activities, including hydraulic analysis and preparation of BODR have started. WASD is in the process of procuring a design consultant.	The permitting and procurement activities will be expedited and/or done concurrently in order to achieve the project substantial completion/compliance date.	5/9/2018	5/9/2018	0
		Permitting	6/8/2014	5/14/2015	6/7/2015	5/12/2016					
5.7.1	Replacement of switchgear & rehab wetwell PS #0417	Engineering Design	11/1/2013	10/7/2014	8/9/2014	7/15/2015	Preliminary engineering design activities, including hydraulic analysis and preparation of BODR have started. WASD is in the process of procuring a design consultant.	The permitting and procurement activities will be expedited and/or done concurrently in order to achieve the project substantial completion/compliance date.	1/27/2019	1/27/2019	0

Table 1
Requested Modifications for Non-Material Changes to Consent Decree Appendix D-2
Miami-Dade Water and Sewer Department
2-Sep-14

Project ID	Project Name	Activity Name	START DATES		END DATES		Progress To Date	Planned Schedule Mitigation Actions	Construction Completion Dates		
			CD Start Date	Requested Start Date	CD End Date	Requested End Date			CD Completion Date	Current Forecast Date	Completion Date Variance
5.8.1	Replacement of Electrical & Mechanical Equip PS #0107	Engineering Design	11/1/2013	10/7/2014	8/9/2014	7/15/2015	Preliminary engineering design activities, including project definition, scope of work, and cost evaluation have started. WASD is in the process of procuring a design consultant.	The permitting and procurement activities will be expedited and/or done concurrently in order to achieve the project substantial completion/compliance date.	1/27/2019	1/27/2019	0
5.9.1 5.9.2	Replacement of Pumping & Electrical Equip PS #0301	Engineering Design	11/1/2013	10/7/2014	6/7/2014	5/13/2015	Preliminary engineering design activities, including hydraulic analysis and preparation of BODR have started. WASD is in the process of procuring a design consultant.	The permitting and procurement activities will be expedited and/or done concurrently in order to achieve the project substantial completion/compliance date.	5/9/2018	5/8/2018	-1
	Permitting	6/8/2014	5/14/2015	6/7/2015	5/12/2016						
5.10.1 5.10.2	Upgrade of PS #0488	Engineering Design	11/1/2013	10/7/2014	6/7/2014	5/13/2015	Preliminary engineering design activities, including project definition, scope of work, and cost evaluation have started. WASD is in the process of procuring a design consultant.	The permitting and procurement activities will be expedited and/or done concurrently in order to achieve the project substantial completion/compliance date.	5/9/2018	5/9/2018	0
	Permitting	6/8/2014	5/14/2015	6/7/2015	5/12/2016						
5.11.1 5.11.2	Installation of 60" FM from Kendall Dr to PS #0536	Engineering Design	11/1/2013	10/7/2014	6/7/2014	5/13/2015	Preliminary engineering design activities, including hydraulic analysis have started. WASD is in the process of procuring a design consultant.	Project is being proposed utilizing a design-build delivery method, including expediting of the design criteria package (DCP) and procurement of the Design-Builder. This project is projected to be completed in accordance with the Consent Decree milestone date.	5/9/2018	5/9/2018	0
	Permitting	6/8/2014	5/14/2015	6/7/2015	5/12/2016						
5.12.1 5.12.2	Replacement of switchgear PS #0187	Engineering Design	11/1/2013	10/7/2014	6/7/2014	5/13/2015	Preliminary engineering design activities, including hydraulic analysis and preparation of BODR have started. WASD is in the process of procuring a design consultant.	The permitting and procurement activities will be expedited and/or done concurrently in order to achieve the project substantial completion/compliance date.	5/9/2018	5/9/2018	0
	Permitting	6/8/2014	5/14/2015	6/7/2015	5/12/2016						
5.13.1 5.13.2	Refurbish Emerg Generators & Controls Regional PS	Engineering Design	11/1/2013	9/2/2014	1/2/2014	12/10/2014	Preliminary engineering design activities, including project definition, schedule, and cost evaluation have started. WASD is in the process of procuring a design consultant.	Overlapping/expediting permitting and procurement activities. Evaluating pre-purchasing of long lead equipment and performing some work with in-house resources. This project is projected to be completed in accordance with the Consent Decree milestone date.	7/20/2016	7/20/2016	0
	Permitting	1/3/2014	12/11/2014	1/2/2015	4/9/2015						
5.15.1 5.15.2	Upgrade of PS # 0065	Engineering Design	1/1/2014	N/C	7/10/2014	1/9/2015	This project has been split into seven (7) sub-projects of which two have been completed by in-house (MDWASD) staff and four (4) have been designed and permitting and are currently in the procurement phase. The final sub-project is anticipated to start design in October 2014.	The permitting and procurement activities of the remaining sub-project will be expedited and/or done concurrently in order to achieve the project substantial completion/compliance date.	12/31/2015	12/31/2015	0
	Permitting	7/10/2014	1/10/2015	10/8/2014	4/9/2015						