



miamidade.gov

Water and Sewer
PO Box 330316 • 3071 SW 38 Avenue
Miami, Florida 33233-0316
T 305-665-7471

VIA ELECTRONIC CORRESPONDENCE

October 14, 2016

CCN: 60621
File No: 8.DC.20.19 & 10

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
Tom.Mariani@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 – 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 X, Paragraphs 42(a), 44 and 46 – Stipulated Penalties and Order Modifying
Section X (Document 156)

Dear Sir/Madam:

On September 20, 2016, Miami-Dade County (County) received a joint Demand for Stipulated Penalties letter dated September 16, 2016 from the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP). County Quarterly Reports submitted to EPA and FDEP pursuant Section IX, Paragraph 32 of the Consent Decree (CD) between January 1st, 2015 and December 31st, 2015 showed that (14) fourteen of the Sanitary Sewer Overflows (SSOs) are subject to stipulated penalties. EPA assessed stipulated penalties pursuant to Section X, Paragraph 42.(a) and the Order Modifying Section X (Document 156) of the CD in the amount of \$14,000 for the eleven (11) SSO events that reached the waters of the United States. The County demonstrated that (3) three of these (14) fourteen SSOs were caused by non-County Contractors or vandalism and it had used all reasonable measures to prevent these SSOs. As a result, the County is not liable for stipulated penalties for these SSOs pursuant to Paragraph 42.(a).(vi) of the CD. In accordance with Paragraph 44

of the CD, the County shall pay within (30) days of receipt of this letter, \$7,000 (50%) of the stipulated penalty to EPA and \$7,000 (50%) of the stipulated penalty to the FDEP for a total stipulated penalty amount of \$14,000. As requested, EPA demanded that the County disburse the \$7,000 payment via electronic fund transfer and a \$7,000 payment to the FDEP.

In accordance with Section X, Paragraph 44 and 46 of the above referenced CD, the County is required to submit proof of payment within thirty (30) days of the written demand for the stipulated penalties. Please find copies of the EFT authorization form, EFT transaction record and check to FDEP attached below.

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., ENV SP, LEED® Green Associate
Assistant Director, Regulatory Compliance and Planning

Attachments: Copy of Authorization Form, EFT Transaction Record and Copy of Check to FDEP

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 – West Palm Beach
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
Attn: Compliance/Enforcement Section
Jason.Andreotta@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

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

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

Abigail Price-Williams
Miami-Dade County Attorney
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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

**Payment of 2016 EPA/FDEP Stipulated Penalties
Attachments**



Custom
 09/26/2016 03:53 PM ET
CUSTOMER ID: MDWAT419
OPERATOR ID: MDADMIN2
 Commercial Electronic Office®

MD-WATER

Wire Transfer Detail Report
 As of 09/26/2016

Treasury Information Reporting

Currency: USD
 Bank: 121000248
 Account: 2696206503470(FL)

WELLS FARGO BANK, N.A.
POOLED CASH FUND

Debit Wire Amount	Process Date Time	To:	Corresponding Bank:	Status
7,000.00	09/26/2016 02:24 PM CT	FEDWIRE TREAS NYC FUNDS TRANSFER DIVISION DEPARTMENT OF JUSTICE 15030001	N/A	COMPLETE

Wire Service Reference Number:
092611B7031R013779

Wells Message Number:
160926132359

PC Reference/Confirmation Number:
000011696

Value Date:
09/26/2016

Wire Type:
495

Wire Amount:
7,000.00

Transaction Reference Number:
160926132359

USD Equivalent Amount:
7,000.00

Originator ID:
N/A

Originator Name and Address:
MIAMI DADE COUNTY
111 NW FIRST ST.
SUITE 2610
MIAMI, FL 33128 US

Instructing Bank Code/ID:
N/A

Instructing Bank Name and Address:
N/A

Sending Party ID:
002696206503470

Sending Party Name and Address:
MIAMI DADE WATER & SEWER DEPT
ATTN ILEANA LILLO
3071 SW 38TH AVE 5TH FL
MIAMI FL 33146-1520

Bank to Bank Info:
N/A

Beneficiary Bank Code/ID:
N/A

Beneficiary Bank Name and Address:
TREAS NYC FUNDS TRANSFER DIVISION
WASHINGTON
DC

Originator to Beneficiary Info:
RECEIVER:ABA TREAS NYC/CTR

Text:
021030004 TREAS NYC/FUNDS TRANSFER DIVISION NEW YORK NY . IN16092611542734 ORG=MIAMI DADE COUNTY 111 NW FIRST ST. SUITE 2610 MIAMI, FL 33128 US RFB=000011696 OBI=RECEIVER:ABA TREAS NYC/CTR/FTR/ BBK=TREAS NYC FUNDS TRANSFER DIVISION WASHINGTON DC BNF=15030001 DEPARTMENT OF JUSTICE COMPLETED TIMESTAMP 09/26/2016 02:24 PM CT

-7,000.00 Account Net Total
-7,000.00 Net Total For Bank 121000248 (USD)
-7,000.00 Net Grand Total For Currency (USD)

---- END OF REPORT ----

MIAMI-DADE WATER AND SEWER DEPARTMENT
 POOLED CASH ACCOUNT
 P.O. BOX 330316 MIAMI, FL 33233-0316

Check Date: 09/28/2016		Vendor Name: STATE OF FLORIDA			Check Number: 00626767		
Invoice Number	Invoice Date	Voucher ID	Gross Amount	Payment Deductions			Paid Amount
				Insp Gen Fee	User Access Fee	Discount	
CASE1:12C024400	6/6/2013	DP48430	7,000.00	0.00	0.00	0.00	7,000.00
<p>Payment to Florida Department of Environmental Protection of \$7,000.00 as per USEPA, September 16, 2016, Consent Decree No. 1:12-cv-24400-FAM; Demand for Stipulated Penalties letter.</p>							
<p>NEW! Direct Deposit, visit www.miamidade.gov/water/vendor-deposit.asp The attached check represents the amount due you as shown on our records. For additional information, contact (305) 665-7471</p>							
Check Number	Date	Total Gross Amount	Total Insp Gen Fee	Total User Access Fee	Total Discount	Total Paid Amount	Total
00626767	9/28/2016	\$7,000.00	\$0.00	\$0.00	\$0.00	\$7,000.00	

THIS CHECK HAS A VOID PANTOGRAPH ON THE FACE AND A SECURITY WATERMARK ON THE BACK - HOLD AT AN ANGLE TO VIEW.



Miami-Dade County, Florida

MIAMI-DADE WATER AND SEWER DEPARTMENT
 POOLED CASH ACCOUNT

00626767

11-0024/1210

Date 09/28/2016

VOID AFTER SIX MONTHS

WELLS FARGO BANK, N.A.
 MIAMI, FL 33131

Pay Exactly

****SEVEN THOUSAND AND XX / 100 DOLLAR****

Pay Amount

\$7,000.00***

To The Order Of

STATE OF FLORIDA
 DEPT OF ENVIRONMENTAL PROTECTION
 400 NORTH CONGRESS AVE
 SUITE 200
 WEST PALM BEACH, FL 33401

Memo: United States et al. v. Miami-Dade County - Case No. 1:12-cv-24400-FAM "Ecosystems Management and Restoration Trust Fund."

⑈006 26 76 7⑈ ⑆ 1 2 1000 248⑆ 26 96 206 50 34 70⑈