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## VIA ELECTRONIC CORRESPONDENCE

February 23, 2018

CCN: 61685  
File No: 8.DC.52 & 77

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](mailto:Tom.Mariani@usdoj.gov)

Chief, Clean Water Enforcement Branch  
Water Protection Division  
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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  
[Jason.Andreotta@dep.state.fl.us](mailto:Jason.Andreotta@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 – Potential Delay**  
**Section XVII, Paragraph 77 – Notices**  
**Potential Delay Notification Letter for Consent Decree Appendix D-2, Capital Improvement Project 5.18 Upgrade of PS # 0441, 0491, 0710, 0827, 0852, 1236**

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on February 10, 2018, Miami-Dade County (County) electronically notified United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) of a delay of CD Capital Improvement Project (CIP) 5.18 Upgrade of PS # 0441, 0491, 0710, 0827, 0852, 1236. The February 10<sup>th</sup> email stated that because of permitting delays, the approaching procurement process and the predetermined contract duration of the project, the completion timeline extends past the CD compliance date. This potential delay will impact the project CD compliance date of December 31, 2018.

In accordance with Section XI, Paragraph 52, this notification letter shall further describe and explain the reasons for the delay; the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; a statement as to whether, in the opinion of the County, such event may cause or contribute to an endangerment to public health, welfare or the environment.

**Explanation and description of the reasons for the delay**

The scope of the project includes replacement and rehabilitation for six (6) pump stations with improvements ranging from infiltration and inflow repairs to demolition of existing pump stations and their replacement with new submersible pump stations including three phase electrical service, site preparation, installation of off-site gravity sewer and force main lines along the right of way to new connection points.

Agency and FPL personnel assigned to the projects were re-assigned to emergency response efforts due to Hurricane Irma. This impacted both the permitting review process and scheduled work required by FPL. Thus, due to the extended permitting process and the rescheduling of FPL service, the anticipated Notice to Proceed (NTP) date will be missed, and correspondingly, the project completion compliance date of December 31, 2018.

**Actions taken or to be taken to prevent or minimize the delay**

The County will continue to explore all avenues to mitigate the delay once the contract is awarded and the notice to proceed issued. During construction, additional actions will be taken to minimize the delay, to include, but not limited to, the following:

1. Coordination with FPL to request prioritization of the projects.
2. Coordination with contractor and EOR to expedite submittals and their approval.
3. Reach out to City and State Permitting Agencies involved on the project to expedite the issuance of construction and regulatory permits.
4. Consider close liaison with vendors to improve scheduled delivery of critical items.
5. Meet with contractor to discuss additional resources on the project to expedite key elements of the work.

**Anticipated duration of the delay**

On December 22, 2017, the County submitted to EPA and FDEP a Request for Schedule Modifications related to projects in Appendix D and E of the Consent Decree with justifications. Included in this request, is the referenced project. The requested new compliance date is December 13, 2019.

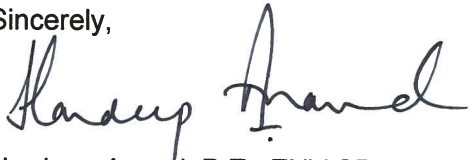
**Cause or contribute to an endangerment to public health, welfare or the environment**

The rehabilitation of PS # 0441, 0491, 0710, 0827, 0852, 1236 are necessary to ensure the collection system's capacity to serve future developments as well as upgrade equipment to maintain the integrity of our system. It is the County's opinion that this delay will not present an immediate endangerment to the public health, welfare, or the environment.

Should you have any questions regarding this matter, please call me at (786) 552-8571.

I certify under penalty of law that this document was 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,



Hardeep Anand, P.E., ENV SP  
Deputy Director, Capital Improvement Programs & Regulatory Compliance

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Miami-Dade County

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