



Miami-Dade Water and Sewer Department
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VIA ELECTRONIC CORRESPONDENCE

August 27, 2014

CCN: 58626
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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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
Requested Modifications for Non-material Changes to Appendix D-2,
for activities prior to July 1, 2014 and Clarification of Project Phases**

Dear Sirs and Madame:

Pursuant to our recent discussions, the Miami-Dade Water and Sewer Department (MDWASD) respectfully requests approval of modifications for non-material changes to Appendix D-2 in conformance with Sections VI and XX of the referenced Consent Decree. The County understands and recognizes that any modifications to the project phases in Appendix D-2 constitute a non-material change to the Consent Decree, so long as the final completion milestones are met. Modifications to the project phases require written agreement of the United States, the Florida Department of Environmental Protection (FDEP), and Miami-Dade.

As you are aware, Appendix D-2 of the referenced Consent Decree contains a Gantt chart that illustrates the project phases and associated phase durations for each capital project. This chart was prepared as a guide to illustrate how MDWASD intended to design, procure, permit, and construct each project required by the Consent Decree. The dates and durations presented for each project phase were estimated based on best available information at the time the chart was prepared. All of this information was used to develop final completion milestones that are shown in bold type in Appendix D-2. However, as a result of delays in the procurement of consultants to manage and design the capital projects, MDWASD was required to adjust the start and end dates of several project phases.

Attached for your review and approval is Table 1 - Requested Modifications for Non-Material Changes to Consent Decree Appendix D-2, which includes modifications to twenty-seven (27) projects. The table contains the planned Consent Decree start date; MDWASD's requested modified start date; the progress to date; planned schedule mitigation actions; Consent Decree construction completion dates; MDWASD's current forecasted construction completion date; and a completion date variance for each of the projects previously listed as having experienced a phase delay. As you can see, we are currently forecasting to complete construction on or before the corresponding Consent Decree final completion milestones for each subject project, and are in full compliance with the requirements of the Consent Decree. Moreover, as shown in Table 2 - Early Completion of Consent Decree Appendix D-2 Project Activities, many of the project phase activities have been completed ahead of the Consent Decree schedule dates – one as much as five (5) years earlier than the Consent Decree date.

In response to your request to clarify MDWASD's definition of the various project phases included in Appendix D-2, the term "Engineering Design" refers to activities related to preparing Basis of Design Reports (BODRs) through full detailed design. Preliminary activities, such as project definition; scope of work, schedule, and cost evaluation for validation purposes; preliminary conceptual alternatives development and/or evaluation; and hydraulic evaluations, are required prior to initiating the BODR process. This work, sometimes referred to as project planning or preliminary engineering, has been performed for each project. While not specifically identified as a project phase in Appendix D-2, these activities are critical to establishing the necessary criteria required to initiate detailed design activities. Additionally, the "Permitting" phase begins with the application process for obtaining the permit, and not the issuance of the permit. We believe our interpretation of "Engineering Design" and "Permitting," as it relates to project phase scheduling and reporting, is reasonable. Please advise us if you have any concerns about our interpretation.

MDWASD is committed to successfully meeting the requirements of the Consent Decree. We look forward to working with you and the many other stakeholders during the Consent Decree process. 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

Requested Modifications for Non-material Changes to Appendix D-2,
for activities prior to July 1, 2014
August 27, 2014
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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: Table 1 - Requested Modifications for Non-Material Changes to Consent Decree
Appendix D-2
Table 2 - Early Completion of Consent Decree Appendix D-2 Project Activities

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Requested Modifications for Non-material Changes to Appendix D-2,
for activities prior to July 1, 2014
August 27, 2014
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Table 1
Requested Modifications for Non-Material Changes to Consent Decree Appendix D-2
Miami-Dade Water and Sewer Department
27-Aug-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 2.15.2	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	6/24/2014	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	1/20/2017	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	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
4.4.2	North Dade 72" PCCP FM Rehabilitation	Permitting	3/7/2014	10/4/2014	3/6/2015	3/6/2015	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	4/6/2015					

Table 1
Requested Modifications for Non-Material Changes to Consent Decree Appendix D-2
Miami-Dade Water and Sewer Department
27-Aug-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	3/11/2012	3/5/2014	3/5/2014	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	3/5/2015					
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
27-Aug-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						

Table 2
Early Completion of Consent Decree Appendix D-2 Project Activities
Miami-Dade Water and Sewer Department
27-Aug-14

Project ID	Project Name	Activity Name	START DATES			END DATES		
			CD Start Date	Actual Start Date	Days Early	CD End Date	Actual End Date	Days Early
1.6	Gravity Sludge Thickeners (SDWWTP)	Engineering Design	1/1/2018	7/3/2014	-1278	---	---	---
2.2	Repairs to Various Buildings (CDWWTP)	Engineering Design	5/1/2014	3/26/2014	-36	---	---	---
2.5	Oxygenation Trains Plant 1 (CDWWTP)	Engineering Design	6/1/2014	3/1/2011	-1188	9/2/2014	5/2/2011	-1219
2.5	Oxygenation Trains Plant 1 (CDWWTP)	Permitting	9/3/2014	3/1/2011	-1282	9/2/2015	5/2/2011	-1584
2.5	Oxygenation Trains Plant 1 (CDWWTP)	Procurement	9/3/2015	5/3/2011	-1584	9/1/2016	9/23/2011	-1805
2.13	Gravity Sludge Thickeners Plant 2 (CDWWTP)	Engineering Design	10/1/2015	6/11/2014	-477	---	---	---
2.19	Co-Gen Improvements (CDWWTP)	Engineering Design	5/1/2014	11/22/2012	-525	---	---	---
2.19	Co-Gen Improvements (CDWWTP)	Permitting	8/18/2015	3/12/2013	-889	---	---	---
2.19	Co-Gen Improvements (CDWWTP)	Procurement	8/17/2016	3/12/2014	-889	---	---	---
2.23	O2 Plant Process Controls Phase 2 (CDWWTP)	Engineering Design	10/1/2013	10/1/2013	0	2/2/2014	12/20/2013	-44
2.23	O2 Plant Process Controls Phase 2 (CDWWTP)	Permitting	2/3/2014	10/1/2013	-125	2/2/2015	12/20/2013	-409
2.23	O2 Plant Process Controls Phase 2 (CDWWTP)	Procurement	2/3/2015	6/2/2014	-246	---	---	---
2.28	SCADA/RTU Upgrades (CDWWTP)	Construction	10/1/2013	10/1/2013	0	3/29/2014	2/10/2014	-47
2.29	High Strength Influent Impact Study (CDWWTP)	Engineering Study	1/1/2013	2/12/2013	42	6/24/2014	6/5/2014	-19
3.6	Disinfection (NDWWTP)	Engineering Design	2/1/2017	4/21/2014	-1017	---	---	---
4.3	Government Cut FM - Phase 3	Engineering Design	---	---	---	4/8/2017	1/30/2014	-1164
4.3	Government Cut FM - Phase 3	Procurement	5/8/2014	1/30/2013	-463	5/7/2015	1/30/2014	-462
4.3	Government Cut FM - Phase 3	Construction	5/8/2015	5/23/2014	-350	---	---	---
4.4	North Dade 72 inch PCCP FM Rehabilitation	Engineering Design	10/1/2013	2/1/2013	-242	3/6/2014	2/15/2014	-19
4.4	North Dade 72 inch PCCP FM Rehabilitation	Procurement	3/7/2015	2/3/2014	-397	---	---	---
4.6	Replacement of Tamiami Canal Aerial Crossing FMs at NW 37th Ave	Engineering Design	10/1/2013	12/11/2012	-294	1/2/2014	3/11/2013	-297
4.6	Replacement of Tamiami Canal Aerial Crossing FMs at NW 37th Ave	Permitting	1/3/2014	3/12/2013	-297	1/2/2015	5/11/2013	-601
4.6	Replacement of Tamiami Canal Aerial Crossing FMs at NW 37th Ave	Procurement	1/3/2015	5/13/2013	-600	1/2/2016	10/3/2013	-821
4.6	Replacement of Tamiami Canal Aerial Crossing FMs at NW 37th Ave	Construction	1/3/2016	10/7/2013	-818	10/29/2016	5/27/2014	-886
4.7	Replacement of 18" DIP FM in Miami Lakes	Engineering Design	11/1/2013	3/11/2012	-600	---	---	---

Table 2
Early Completion of Consent Decree Appendix D-2 Project Activities
Miami-Dade Water and Sewer Department
27-Aug-14

Project ID	Project Name	Activity Name	START DATES			END DATES		
			CD Start Date	Actual Start Date	Days Early	CD End Date	Actual End Date	Days Early
5.1	Upgrade of PS #0418	Engineering Design	11/1/2013	11/1/2013	0	6/6/2014	5/12/2014	-25
5.14	Upgrade of PS #0086, 0492	Procurement	10/8/2012	3/19/2012	-203	4/6/2013	9/17/2012	-201
5.14	Upgrade of PS #0086, 0492	Construction	4/6/2013	9/18/2012	-200	12/31/2013	7/15/2013	-169
5.15	Upgrade of PS #0065, 0201, 0334, 0374, 0607	Engineering Design	1/1/2014	1/1/2013	-365	7/10/2014	6/30/2014	-10
5.15	Upgrade of PS #0065, 0201, 0334, 0374, 0607	Permitting	7/10/2014	7/1/2014	-9	---	---	---
2.17.1 ¹	CDWWTP Chlorination Facilities	Engineering Design	10/1/2013	10/1/2013	0	9/17/2014		
2.26.1 ¹	CDWWTP Rehabilitation of Walkways/Stairs	Construction	10/1/2013	10/1/2013	0	9/27/2027		
3.11.1 ¹	NDWWTP SCADA RTU Upgrades	Construction	10/1/2013	9/30/2013	1	3/24/2015		
4.1.1 ¹	Collection System I/I Repairs	Construction	10/1/2013	9/30/2013	1	9/27/2027		
4.9.1 ¹	Replace Approximately 30 miles of AC FM Transmission System	Engineering Design	11/1/2013	8/28/2012	-430	10/9/2014		

¹Project Activity Start Date was earlier than the reported period.