



miamidade.gov

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

VIA ELECTRONIC CORRESPONDENCE

October 29, 2021

CCN: 64082
File No: 8.DC.20.52

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Tom Mariani
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
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 for Consent Decree Appendix D-2, Capital Improvement
Project 1.5 Effluent Pump Station**

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on October 15, 2021 Miami-Dade County (County) electronically notified the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) of a Potential Delay of CD Capital Improvement Project (CIP) 1.5 Effluent Pump Station at South District Wastewater Treatment Plant (SDWWTP). This project experienced delays during the construction phase that may impact the Project CD compliance date of April 7, 2022.

In accordance with Section XI, Paragraph 52, this update 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; County's rationale for attributing such delay to a force majeure event if it intends to assert such a claim; a statement as to whether, in the opinion of the County, such event may cause or contribute to an endangerment to public health or the environment, and documentation to support the force majeure claim.

Background

The CD project description is the upgrade of existing obsolete pump control systems; upgrade of pumps drives and motors; and structural rehabilitation of pump station wet well chambers 1 through 4. This project was divided into three child projects:

- 1.5(1) Effluent Pump Station Wet Well Rehab – Completed on May 26, 2020.
- 1.5(2) Effluent Pump Station Building Improvements & Pumps 1-6 Equipment – Construction continues and is currently 97%
- 1.5(3) Effluent Pump Station Electrical Equipment (Pumps 7-9) – Completed on January 23, 2016.

This delay, which is the subject of the letter, is specific to Child Project 1.5(2) whose scope of work includes furnishing all materials, labor, and equipment necessary for electrical improvements that consist of replacing the motors and new electrical distribution equipment for effluent pumps 1 through 6 at the Effluent Pump Station No. 1, located within the South District Wastewater Treatment Plant (SDWWTP). The scope of work also includes the construction of a new two-story electrical building which will house all new electrical switchgear, transformers, motor control centers (MCCs), vertical frequency drives (VFDs), and other electrical & control equipment for pump station operation.

Explanation and description of the reasons for the delay

All delays have been directly attributed to the incorporation of new and necessary work needed to abate or mitigate an unforeseen condition discovered during execution of the construction work; and subsequent procurement and supply chain delays associated with purchase and delivery of certain specialty owner furnished material and equipment necessary for a safe, reliable, and operable pump station. Details of the delay are outlined below.

- During construction of the new electrical building, the rebar subcontractor informed of a COVID-19 outbreak at the factory that forced them to completely shut down the operation. Due to the delay in the delivery of the rebar, the construction work was suspended, affecting the project's schedule.
- A report generated after conducting a vibration analysis indicated that the predicted natural frequencies of the new motors mounted on the existing pumps' discharge heads

had the potential to interfere with the operation of the pumps through the defined speed range, causing damage to the pump systems due to excessive vibrations. As a result, and due to the age of the pumps, the pumps' discharge heads had to be replaced to extend the service life of the system, and ensure the manufacturer would provide warranty coverage on the newly installed equipment. This unforeseen condition affected the project's schedule.

- The Contractor and pump manufacturer also conducted a review of the existing sole plates and anchor bolts on the existing pump pads using Ground Penetrating Radar (GPR) which revealed the existing anchor bolts had deteriorated and needed to be replaced. The Engineer of Record (EOR) recommended replacing the six pump pads and casting new anchor bolts into the new pads. The replacement of the concrete pads delayed the installation of the pumps.
- During construction, the overhead crane used for the installation of the 900 HP motors malfunctioned and required replacement. The COVID-19 Pandemic caused delays in the County's ability to self-procure equipment and further supply chain disruptions caused delays in the crane's delivery time. The installation of the pumps' motors was suspended during the procurement time.

Action taken or to be taken to prevent or minimize the delay

Construction work has continued, and the County is working with the Contractor to mitigate the delays and expedite other activities when possible. The County will closely monitor progress in the construction phase, request monthly updates on material and equipment delivery status, and report any further delay to EPA immediately when it becomes known to the County.

Anticipated duration of the delay

The time impact of the delays mentioned above is estimated to extend the project's completion 40 days beyond the Compliance date of April 7, 2022. The projected completion date of the project is May 16, 2022.

Force majeure rationale

On March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic. National, state and local agencies are taking actions to suppress and control the spread of COVID-19. The County is taking preventative measures to contain the spread and the impacts of the virus. The County attributes any delays resulting from impacts of COVID-19 as a force majeure event as it impacted procurement schedules, affected supply chains, and resulted in extended manufacturing and delivery schedules for material and equipment.

Schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay

The County will take the following steps to prevent or mitigate the delay or the effect of the delay:

1. Continue implementing preventative safety measures to limit the spread and impacts of COVID-19
2. Require the contractor to work extended hours when possible to accelerate the schedule.
3. Monitor the ongoing construction and promptly respond to issues that may arise.
4. County to report any further delay to EPA when issue arises.

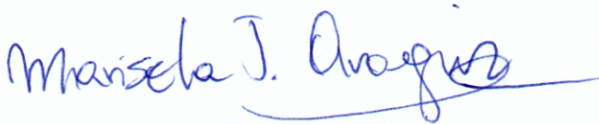
Cause or contribution to an endangerment to public health, welfare or the environment

Improvements performed under CD CIP 1.5 are needed to prevent failure and/or inefficiency of the effluent pumps resulting in unpermitted effluent discharge into surrounding waters. There is no indication that delays in the improvements of the effluent pump station present an immediate endangerment to the public health, welfare or the environment.

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) 552-8894.

Sincerely,

A handwritten signature in blue ink that reads "Marisela J. Aranguiz". The signature is fluid and cursive, with a horizontal line extending from the end.

Marisela J. Aranguiz, P.E.
Deputy Director
Miami-Dade Water and Sewer Department

ec: Anita Patel
Senior Assistant Attorney General, Complex Litigation,
Office of the Attorney General
PL 01 The Capitol
Tallahassee, FL 32399-1050
(850) 414-3694
anita.patel@myfloridalegal.com

Elizabeth Teegen
Senior Assistant Attorney General, Complex Litigation
Office of the Attorney General
PL-01, The Capitol
Tallahassee, FL 32399-1050
850-414-3699
Elizabeth.Teegen@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
Lisa.M.Self@dep.state.fl.us
Sed.wastewater@dep.state.fl.us
Giselle.Castillo@dep.state.fl.us
Bridjette.Bucell@FloridaDEP.gov

Madame Mayor Daniella Levine-Cava
Miami-Dade County
111 NW First Street 29th Floor
Miami, Florida 33128
Daniella.Cava@miamidade.gov

Jimmy Morales, Office of the Mayor
Miami-Dade County Chief Operations Officer
111 NW 1st Street 29th Floor
Miami, FL 33128
Jimmy.Morales2@miamidade.gov

Angela Benjamin
Miami-Dade Assistant County Attorney
Miami-Dade County Attorney's Office
111 NW First Street Suite 2810
Miami, Florida 33128
Angela.Benjamin@miamidade.gov

Roy Coley, Director
Miami-Dade Water and Sewer Department
3071 SW 38th Avenue
Miami, Florida 33146
Roy.Coley@miamidade.gov

Richard Elliott, P.E., PMP
Environmental Engineer
Water Protection Division
U.S. Environmental Protection Agency - Region 4
61 Forsyth Street. S.W.
Atlanta, GA 30303
Elliott.Richard@epa.gov

Paul Schwartz
Associate Regional Counsel
U.S. EPA, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303
Schwartz.Paul@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