



miamidade.gov

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

VIA ELECTRONIC CORRESPONDENCE

December 21, 2016

CCN: 60741
File No: 8.DC.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
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 VI – Specific Capital Improvement Projects, Paragraph 19(i)
Section XX – Modification
2016 Request for Modification of Non-Material Changes to Interim Milestones Report
No. 5

Dear Sir/Madam:

Pursuant to our past discussions, Miami-Dade County respectfully requests approval of modifications for non-material changes to Appendix D-2 in conformance with Sections VI.19(i) and XX of the referenced Consent Decree. Attached for your review and approval is the 2016 Request for Modification of Non-Material Changes to Interim Milestones Report No. 5 table containing the non-material modifications to certain dates for phased work in Appendix D-2.

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 M. Goldenberg, P.E., ENV SP, LEED® Green Associate
Assistant Director, Planning and Regulatory Compliance

Attachments: 2016 Request for Modification of Non-Material Changes to Interim Milestones Report No. 5

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
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

ebc: Hardeep Anand
Antonio Cotarelo
Douglas L. Yoder
Bertha Goldenberg
Manuel Moncholi
Henry Gillman
Frances G. Morris
Sarah Davis
Sherry Negahban
Richard O'Rourke
Howard Fallon
Robert Fergen
Al Galambos
Dan Edwards
Rolando Roque
Juan Bedoya
Lee N. Hefty (RER-DERM)
Carlos Hernandez (RER-DERM)
Rashid Istambouli (RER-DERM)
David Wood (CD PMCM)
Abby Diaz (CD PMCM)

2016 Request for Modification of Interim Milestones Table

Project ID	Project Name	Activity Name	START DATES			END DATES			NOTES
			Original CD Start Date	EPA Approved Start Date	Requested Modification to Start Date	Original CD End Date	EPA Approved End Date	Requested Modification to End Date	
1.03.1	SD Oxygenation Trains	Design	1-Nov-16	31-Dec-16	31-Mar-17	17-Jul-17	17-Jul-17	NC	Delays in obtaining an approved Task Authorization have pushed the start of design beyond the EPA Interim Milestone. Currently there is no anticipated impact to the project compliance date.
1.07.3	SD Digesters & Control Building	Procurement	27-Jul-15	31-Jan-17	15-Jul-17	25-Jul-16	8-Sep-17	9-Jan-18	Procurement activities have been pushed out due to late finish of permitting. Currently there is no anticipated impact to the project compliance date.
1.09.3	SD FOG Removal Facility	Procurement	3-May-15	3-May-15	NC	1-May-16	13-Jan-17	15-May-17	This project experienced some delays during the procurement process because only 1 bid was submitted and it was 60% higher than the OPCC. As such, it may have to be rebid, which would push the procurement activities beyond the EPA Interim Milestone. Follow on activities have been pushed out due to late finish of procurement. Currently there is no anticipated impact to the project compliance date.
1.09.4		Construction	2-May-16	31-Jan-17	16-May-17	7-Dec-17	7-Dec-17	NC	
2.02.3	CD Building Improvements	Procurement	19-Oct-15	19-Oct-15	NC	17-Oct-16	25-Dec-16	31-Jan-17	Procurement activities will extend beyond the interim milestone date. Currently there is no anticipated impact to the project compliance date.
2.15.4.1	Digesters Plant 2 - Cluster 4	Design	1-Jul-18	19-Mar-15	NC	4-Jan-19	11-Mar-16	NC	The sequence for the Clusters was changed so that Cluster 4 (CD 2.15.4) will be refurbished before last. As such, we kindly request that the EPA dates be modified accordingly.
2.15.4.2		Permitting	5-Jan-19	12-Mar-16	NC	4-Jan-20	12-Feb-17	31-Aug-20	
2.15.4.3		Procurement	5-Jan-20	13-Feb-17	1-Sep-20	3-Jan-21	12-Feb-18	31-Aug-21	
2.15.4.4		Construction	4-Jan-21	13-Feb-18	1-Sep-21	19-Aug-22	28-Sep-19	21-Jul-22	
5.4.2	Upgrade Pump Station No. 0414	Permitting	8-Jun-14	14-May-15	NC	7-Jun-15	31-Dec-16	31-Jan-17	Permitting end date is projected to be very close to approved EPA interim milestone date. We are requesting a few weeks extension to the date preemptively in the event there are any delays. Currently there is no anticipated impact to the project compliance date.
5.5.2	Upgrade Pump Station No. 0415	Permitting	10-Aug-14	10-Aug-14	NC	9-Aug-15	31-Dec-16	31-Jan-17	Permitting end date is projected to be very close to approved EPA interim milestone date. We are requesting a few weeks extension to the date preemptively in the event there are any delays. Currently there is no anticipated impact to the project compliance date.
5.6.4	Upgrade Pump Station No. 0416	Construction	7-Jun-16	25-Jan-17	1-Apr-17	9-May-18	9-May-18	NC	Delays in permitting and procurement have pushed the start of construction beyond the EPA Interim Milestone. Currently there is no anticipated impact to the project compliance date.

2016 Request for Modification of Interim Milestones Table

Project ID	Project Name	Activity Name	START DATES			END DATES			NOTES
			Original CD Start Date	EPA Approved Start Date	Requested Modification to Start Date	Original CD End Date	EPA Approved End Date	Requested Modification to End Date	
5.11.2	Install 60" FM from Kendal Dr. to Pump Station No. 0536	Permitting	8-Jun-14	14-May-15	NC	7-Jun-15	31-Dec-16	31-Jan-17	Permitting end date is projected to be very close to approved EPA interim milestone date. We are requesting a few weeks extension to the date preemptively in the event there are any delays. Follow on activities have been pushed out due to late finish of permitting. Currently there is no anticipated impact to the project compliance date.
5.11.3		Procurement	8-Jun-15	8-Jun-15	NC	6-Jun-16	17-Jan-17	31-Mar-17	
5.17.2	Upgrade Pump Station No. 0037, 0351, 0370, 0403	Permitting	10-Jul-16	6-Sep-16	NC	7-Oct-16	28-Dec-16	15-Feb-17	Permitting end date is projected to be very close to approved EPA interim milestone date. We are requesting a few weeks extension to the date preemptively in the event there are any delays. Currently there is no anticipated impact to the project compliance date.
5.18.1	Upgrade Pump Station No. 0441, 0491, 0710, 0827, 0852, 1236	Design	1-Jan-17	1-Jan-17	15-Mar-17	9-Jul-17	10-Jul-17	NC	Delays in initiating the Task Order approval process have pushed the start of design activities beyond the interim milestone date. Currently there is no anticipated impact to the project compliance date.

NC: No change is requested.