



miamidade.gov

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

VIA ELECTRONIC CORRESPONDENCE

March 30, 2017

CCN: 60957
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
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 VI – Specific Capital Improvement Projects, Paragraph 19(i)
Section XX – Modification
2017 Request for Modification of Non-Material Changes to Interim Milestones Report
No. 3**

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 2017 Request for Modification of Non-Material Changes to Interim Milestones Report No. 3 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: 2017 Request for Modification of Non-Material Changes to Interim Milestones
Report No. 3 Table

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
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

Henry Gillman
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
Josenrique Cueto
Maricela Fuentes
Manuel Moncholi
Ureaka Wyche
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)
Scott Eckler (CD PMCM)
Andrea Suarez Abastida (CD PMCM)
Abby Diaz (CD PMCM)
Cynthia Doyon (CD PMCM)

2017 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	
1.02.2	SD Oxygen Production	Permitting	24-Aug-15	30-May-16	NC	22-Aug-16	31-Mar-17	19-May-17	Permitting activities will extend beyond the interim milestone date. Currently there is no anticipated impact to the project compliance date.
1.07.2	Digesters and Control Building	Permitting	27-Jul-14	27-Jul-14	NC	26-Jul-15	31-Mar-17	31-May-17	Permitting activities will extend beyond the interim milestone date. Currently there is no anticipated impact to the project compliance date.
2.05.4	CD Oxygenation Trains Plant 1 - Train #2	Construction	1-Oct-16	14-Dec-16	NC	14-Apr-17	14-Apr-17	15-Jun-17	Construction activities for Train #2 will extend beyond the interim milestone date. Currently there is no anticipated impact to the project compliance date.
2.08.1	Secondary Clarifiers Plant 2	Engineering Design	1-Jun-16	1-Jun-16	NC	5-Dec-16	31-Mar-17	31-Oct-21	Engineering Design activities will extend beyond the interim milestone date. Currently there is no anticipated impact to the project compliance date.
2.15.4.4	Digesters Plant 2 - Cluster 4	Construction	4-Jan-21	1-Sep-21	NC	19-Aug-22	21-Jul-22	19-Aug-22	For administrative purposes, we kindly request that their Construction end date be reverted to the Original CD 2.15 Compliance Date as defined in bold in Appendix D-2 of the Consent Decree. Currently there is no anticipated impact to the project compliance date.
2.24.3	Gas Monitoring	Procurement	4-Mar-16	20-Apr-16	NC	3-Mar-17	15-May-17	19-Aug-17	Procurement activities will extend beyond the interim milestone date as they are being done simultaneously as construction. Currently there is no anticipated impact to the project compliance date.
3.01.4	ND Headworks & Sludge Degritting - Phase 1	Construction	1-Oct-15	23-Dec-15	NC	23-Dec-16	30-Apr-17	7-Apr-18	Construction activities for phase I will extend beyond the interim milestone date as there was a change in design. As such, we kindly request that the Phase 1 Construction end date be the same as the CD 3.01 Compliance Date as defined in bold in Appendix D-2 of the Consent Decree. Currently there is no anticipated impact to the project compliance date.
3.02.1	Primary Clarifiers and Odor Control	Engineering Design	1-Nov-15	1-Nov-15	NC	2-Jun-16	15-Apr-17	15-May-17	Engineering Design activities will extend beyond the interim milestone date. Currently there is no anticipated impact to the project compliance date.
5.03.2	Upgrade PS#0692	Permitting	10-Aug-14	10-Aug-14	NC	9-Aug-15	15-May-17	30-Jun-17	Permitting activities will extend beyond the interim milestone date. Currently there is no anticipated impact to the project compliance date.
5.03.3		Procurement	10-Aug-15	16-May-17	1-Jul-17	8-Aug-16	5-Aug-17	NC	Procurement activities have been pushed out due to late finish of permitting (see above). Currently there is no anticipated impact to the project compliance date.
5.04.2	Upgrade Pump Station No. 0414	Permitting	8-Jun-14	14-May-15	NC	7-Jun-15	31-Mar-17	31-May-17	Permitting activities will extend beyond the interim milestone date. Currently there is no anticipated impact to the project compliance date.
5.04.3		Procurement	8-Jun-15	8-Jun-15	NC	6-Jun-16	31-May-17	30-Jun-17	Procurement activities have been pushed out due to late finish of permitting (see above). Currently there is no anticipated impact to the project compliance date.
5.04.4		Construction	7-Jun-16	1-Jun-17	1-Jul-17	9-May-18	9-May-18	NC	Construction activities have been pushed out due to late finish of procurement (see above). Currently there is no anticipated impact to the project compliance date.

2017 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	
5.05.2	Upgrade Pump Station No. 0415	Permitting	10-Aug-14	10-Aug-14	NC	9-Aug-15	31-Mar-17	31-May-17	Permitting activities will extend beyond the interim milestone date. Currently there is no anticipated impact to the project compliance date.
5.05.3		Procurement	10-Aug-15	3-Dec-16	NC	8-Aug-16	19-Apr-17	31-Jul-17	Procurement activities have been pushed out due to late finish of permitting (see above). Currently there is no anticipated impact to the project compliance date.
5.05.4		Construction	9-Aug-16	20-Apr-17	1-Aug-17	27-Jan-19	27-Jan-19	NC	Construction activities have been pushed out due to late finish of procurement (see above). Currently there is no anticipated impact to the project compliance date.
5.06.2	Upgrade Pump Station No. 0416	Permitting	8-Jun-14	14-May-15	NC	7-Jun-15	31-Mar-17	31-May-17	Permitting activities will extend beyond the interim milestone date. Currently there is no anticipated impact to the project compliance date.
5.06.3		Procurement	8-Jun-15	8-Jun-15	NC	6-Jun-16	31-Mar-17	30-Jun-17	Procurement activities have been pushed out due to late finish of permitting (see above). Currently there is no anticipated impact to the project compliance date.
5.06.4		Construction	7-Jun-16	1-Apr-17	1-Jul-17	9-May-18	9-May-18	NC	Construction activities have been pushed out due to late finish of procurement (see above). Currently there is no anticipated impact to the project compliance date.
5.07.2	Upgrades of PS#0417	Permitting	10-Aug-14	10-Aug-14	NC	9-Aug-15	31-Mar-17	31-May-17	Permitting activities will extend beyond the interim milestone date. Currently there is no anticipated impact to the project compliance date.
5.07.3		Procurement	10-Aug-15	1-Feb-17	NC	8-Aug-16	16-Apr-17	31-Jul-17	Procurement activities have been pushed out due to late finish of permitting (see above). Currently there is no anticipated impact to the project compliance date.
5.07.4		Construction	9-Aug-16	17-Apr-17	1-Aug-17	27-Jan-19	27-Jan-19	NC	Construction activities have been pushed out due to late finish of procurement (see above). Currently there is no anticipated impact to the project compliance date.
5.09.3	Upgrades of PS#0301	Procurement	8-Jun-15	8-Jun-15	NC	6-Jun-16	30-Apr-17	30-Jun-17	Procurement activities will extend beyond the interim milestone date. Currently there is no anticipated impact to the project compliance date.
5.09.4		Construction	7-Jun-16	1-May-17	1-Jul-17	9-May-18	9-May-18	NC	Construction activities have been pushed out due to late finish of procurement (see above). Currently there is no anticipated impact to the project compliance date.

NC: No change is requested.

Red Font: Dates previously requested still pending approval