



#### VIA ELECTRONIC CORRESPONDENCE

October 30, 2019 CCN: 62847

File No: 8.DC.20.32

Water Protection Division

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 Attn: Brad Ammons
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Ammons.Brad@epa.gov

Chief, Clean Water Enforcement Branch

Rachael Amy Kamons
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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 IX – Reporting Requirements, Paragraph 32 – Quarterly Reports – 2019
Quarterly Report No. 3

#### Dear Sir/Madam:

In accordance with the provisions of Paragraph 32 of the above referenced Consent Decree, on behalf of Miami-Dade County, the Water and Sewer Department (WASD) submits to the Environmental Protection Agency (EPA) and the State of Florida Department of Environmental Protection (FDEP) the 2019 Quarterly Report No. 3. The 2019 Quarterly Report No. 3 covers the period from July 1, 2019 through September 30, 2019.

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) 552-8884.

Sincerely,

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

Attachment: 2019 Quarterly Report No. 3

ec: Barbara Jean Throne

Senior Assistant Attorney General, Complex Litigation

Office of the Attorney General

PL-01, The Capitol

Tallahassee, FL 32399-1050

850-414-3808

Barbara.throne@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

Mike.Bechtold@dep.state.fl.us

Sed.wastewater@dep.state.fl.us

Tim.Fitzhugh@FloridaDEP.gov

Mayor Carlos A. Gimenez Miami-Dade County 111 NW First Street 29<sup>th</sup> Floor Miami, Florida 33128 Consent Decree Paragraph 32, 2019 Quarterly Report No. 3 October 30, 2019 Page 3

> Kevin T. Lynskey, Director Miami-Dade Water and Sewer Department 3071 SW 38<sup>th</sup> Avenue Miami, Florida 33146

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### 2019 Quarterly Report No. 3

(Twenty-Third Quarterly Report)

**July 1, 2019 through September 30, 2019** 

#### **Prepared for**

## United States Environmental Protection Agency and Florida Department of Environmental Protection

Consent Decree
Case: No. 1:12-cv-24400-FAM

#### Prepared by

Miami-Dade County, Miami-Dade Water and Sewer Department and the Consent Decree Program Management Construction Management Team

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### 2019 Quarterly Report No. 3

#### 1.0 Purpose

On April 9, 2014, Miami-Dade County (County) entered into a Consent Decree (CD) with the United States of America (United States), the State of Florida Department of Environmental Protection, and the State of Florida. The Consent Decree was lodged on June 6, 2013, and became effective on December 6, 2013. This document satisfies the requirements of Section IX, Paragraph 32 for submittal of the 2019 Quarterly Report No. 3 on or before October 30, 2019.

#### 2.0 Requirements

Section IX, Paragraph 32 of the CD states: "Beginning one (1) month after the first Calendar Quarter following the Effective Date of this Consent Decree, and one (1) month after each Calendar Quarter thereafter until termination of the Consent Decree, Miami-Dade shall submit to EPA and FDEP for review and comment a Quarterly Report. Such Quarterly Report shall include the date, time, location, source, estimated duration, estimated volume, receiving water (if any) and cause of all SSOs occurring in the previous Calendar Quarter." Section IV, Paragraph 8(ii) of the CD defines an SSO as any discharge of wastewater to waters of the United States or the State from Miami-Dade's Wastewater Collection and Transmission System (WCTS) through a point source not permitted in any NPDES permit, as well as any overflow, spill, or release of wastewater to public or private property from the WCTS that may not have reached waters of the United States or the State, including all Building Backups – wastewater backups or releases caused by blockages, flow conditions or other malfunctions of a Private Lateral are not considered as Building Backups."

#### 3.0 Sanitary Sewer Overflow Events

This quarterly report contains additional information on how the Sanitary Sewer Overflow (SSO) was resolved, including the immediate fix and any proposed long-term solution. While not specifically required by the Consent Decree, the United States Environmental Protection Agency (EPA) has requested that the County provide this additional information to aid them in preparing the United States' Semi-Annual Status Report to the United States District Court, Southern District of Florida, Miami Division.

The County shall not be held liable for stipulated penalties under Section X, Paragraph 42(vi) of the CD if the County "demonstrates that the SSO was caused by an Act of God, vandalism, a non-County Contractor, or any act of a third party not working directly or indirectly on behalf of Miami-Dade and that Miami-Dade demonstrates that it has used all reasonable measure to prevent such SSO." During this reporting period, the County determined there were four (4) events that would qualify under Section X Paragraph 42 (vi) as described above. These SSO events are described in Table 1 (page 2). The notice letters were sent to the liable non-County contractors and invoices for the damages will be generated. The supporting documentation available to date can be found in Appendix A.

Table 1 – Description SSO Event Caused by Vandalism or Liable Third Party

	Date	Location	Overflow Volume (gallons)	Contractor or Vandalism
1	17-Jul-19	NW 25 ST & NW 114 AVE	15,592	Mastec
2	27-Jul-19	170 OCEAN LANE DR	450	Hi Quality Construction
3	23-Aug-19	13600 SW 128 ST	19,135	Demoya Group
4	26-Sep-19	18730 NW 47 AVE	20,045	Under Power Corp.

#### 3.1 SSOs (Excluding Building Backups)

Table 2 (page 4) documents all SSO events, excluding Building Backups (BBUs), for the third calendar quarter of 2019. There was a total of twenty-six (26) SSO events:

- Eight (8) events involved gravity mains
- Nine (9) events involved force mains
- One (1) event involved a public lateral
- Six (6) events involved automatic or manual air release valves
- Two (2) events involved pump stations

There were four (4) SSO events that reached the waters of the United States during this reporting period.

#### 3.2 Building Backups

The County follows standard procedures to resolve and minimize the occurrence of Building Backups. These procedures have been re-evaluated in the development of the new CMOM Program Sewer Overflow Response Plan (SORP) required by the current Consent Decree. The SORP was submitted by the County to EPA/FDEP on July 2, 2015. The County received EPA/FDEP comments on the SORP on January 27, 2017 and submitted a response on March 28, 2017. The EPA and FDEP approved the SORP on August 15, 2017. The County is implementing these procedures.

Presently, the Department's procedures for the response to, and the reporting and documenting of Building Backups are different from those of SSOs within the Department's WCTS. Additionally, the "Time" and "Duration" parameters are seldom characteristically the same between the two types of SSO events. For these reasons, Building Backups are normally included in a separate table and the "N/A" designation used for some "Time" and "Duration" entries. Building Backup information is shown in Table 3 (Page 9).

#### 4.0 Abbreviations/Acronyms

The following acronyms and abbreviations are used in the tables.

AC Asbestos Cement
ARV Manual Air Release Valve

AARV Automatic Air Release Valve

ASSIS Active As-Built Supplemental Information System

DI Ductile Iron
CD Consent Decree

CI Cast Iron

CIP Capital Improvement Project

FM Force Main

FOG Fats, Oils and Grease

FSE Food Service Establishment
GIS Geographic Information System

GM Gravity Main

GSS Gravity Sewer System
HDPE High Density Polyethylene

LAT Lateral

PCCP Prestressed Concrete Cylinder Pipe

PIR Project Initiation Report

PS Pump Station PVC Polyvinyl Chloride

RER-DERM Regulatory and Economic Resources, Division of Environmental Resources

Management

VFD Variable Frequency Drive

#### 5.0 Amendment to Previous Quarterly Report

There are no amendments to previous quarterly report required at this time.

#### **Table 2 - Sanitary Sewer Overflows**

CCID	Date	Time	Location	Source	Est. Duration	Est. Volume	Destination	Waters	Cause	Immediate Fix	Lo	ng Term Fix
					hr:min	gallons		Of US			Req'd	Solution
449277	7/2/2019	5:00AM	14201 NW 42 AVE OPA- LOCKA 33054	FM	2 hours 30 minutes	67,599	Land	No	54" DI force main broken by County contractor	Repaired broken 54" DI force main	Yes	Reconciled GIS record so this asset can be properly located
450012	7/14/2019	7:00PM	NW 14 AVE & NW 2 ST MIAMI 33125	GM	1 hour 18 minutes	5	Storm Drain	No	Gravity main blockage due to grease	Cleared grease blockage and notified local regulatory agency (RER- DERM)	No	No further action required
450192	7/17/2019	10:54AM	NW 25 ST & NW 114 AVE DORAL 33172	FM	1 hour 6 minutes	15,592	Storm Drain	No	8" DI force main broken by non- County contractor while directional drilling	Repaired 8" DI force main	No	No further action required
450255	7/18/2019	8:25AM	13964 NW 60 AVE MIAMI LAKES 33014	ARV	3 hours 35 minutes	6,478	Storm Drain	No	ARV leaking due to corrosion at bottom of non standard material 2" nipple	with new ball valve, 2" brass nipple (standard	No	No further action required
450410	7/21/2019	9:45AM	1015 N AMERICAN WAY MIAMI 33132	FM	4 hours 39 minutes	8,617	Intracoastal Waterway (ICW)	Yes	8" CI force main leaking due to corrosion. This asset belongs to the Port of Miami		No	Port of Miami were responsible for the spill and repairs. No further action required

#### **Table 2 - Sanitary Sewer Overflows**

CCID	Date	Time	Location	Source	Est. Duration	Est. Volume	Destination	Waters	Cause	Immediate Fix	Lo	ng Term Fix
					hr:min	gallons		Of US			Req'd	Solution
450843	7/27/2019	3:00PM	170 OCEAN LANE DR KEY BISCAYNE 33149	GM	2 hours 30 minutes	450	Storm Drain	No	Gravity main and manhole broken by non-County contractor while performing directional drilling	Repaired broken gravity main and section of manhole that was damaged	No	No further action required
451321	8/4/2019	1:00PM	SW 8 ST & SW 143 AVE UNINCORPOR ATED MIAMI- DADE 33184	ARV	2 hours	50	Land	No	ARV failed due to non-standard galvanized nipple	Shutdown the corporation and temporarily closed ARV	Yes	Permanent ARV replacement required excavation
451435	8/6/2019	6:21AM	17909 BISCAYNE BLVD AVENTURA 33160	PS	24 minutes	8,000	Storm Drain	No	Mechanical plug failure	Repaired plug and PS resumed operations	Yes	Recommend installing a Smart Cover on the lowest manhole in
451513	8/7/2019	8:10AM	1800 S GLADES DR NORTH MIAMI BEACH 33162	GM	2 hours 15 minutes	60	Storm Drain	No	Gravity main blockage due to grease	Cleared gravity main blockage and notified local regulatory agency (RER- DERM)	No	No further action required
451801	8/11/2019	5:00PM	2500 NE 163 ST NORTH MIAMI 33160	FM	5 days 10 hours	1,731,586	OLETA RIVER	Yes	Leaking 48" force main due to internal and external corrosion	Force main isolated for repairs by installing a temporary 24" HDPE bypass line with a line stoppers to perform repair	Yes	Recommended for replacement

#### **Table 2 - Sanitary Sewer Overflows**

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CCID	Date	Time	Location	Source	Est. Duration	Est. Volume	Destination	Waters	Cause	Immediate Fix	Lo	ng Term Fix
					hr:min	gallons		Of US			Reg'd	Solution
451963	8/13/2019	11:45PM	4800 SW 127 PL UNINCORPOR ATED MIAMI- DADE 33175	FM	2 hours 15 minutes	36,504	Storm Drain	No	Broken 8" AC force main due to non-standard pipe material	Repaired broken 8" AC force main		Recommended for replacement
452249	8/17/2019	2:00PM	1600 NE 167 ST NORTH MIAMI BEACH 33162	PS	1 hour	200	Land	No	Pump controller failed	Reset control and PS operations resumed	Yes	Upgrade PS controller
452345	8/18/2019	9:00PM	6707 NW 169 ST UNINCORPOR ATED MIAMI- DADE 33015	LAT	2 hours	5	Land	No	6" public lateral broken by non- County contractor	Repaired broken lateral	No	No further action required
452629	8/22/2019	1:00PM	18100 N BAY RD SUNNY ISLES BEACH 33160	GM	3 hours	50	Storm Drain	No	Gravity main blockage due to grease	Cleared gravity main blockage and notified local regulatory agency (RER- DERM)	No	No further action required
452729	8/23/2019	4:38PM	13600 SW 128 ST UNINCORPOR ATED MIAMI- DADE 33186	ARV	2 hours 22 minutes	19,135	Storm Drain	No	ARV leaking due to non-County contractor striking and damaging the ARV	Repaired ARV	No	No further action required

**Table 2 - Sanitary Sewer Overflows** 

CCID	Date	Time	Location	Source	Est. Duration	Est. Volume	Destination	Waters	Cause	Immediate Fix	Lo	ng Term Fix
					hr:min	gallons		Of US			Req'd	Solution
452987	8/28/2019	10:45AM	16385 Biscayne BLVD NORTH MIAMI BEACH 33160	GM	45 minutes	25	Storm Drain	No	Gravity main blockage due to grease and paper	Cleared gravity main blockage and notified local regulatory agency (RER- DERM)	No	No further action required
453081	8/29/2019	11:09AM	160 HARBOR DR KEY BISCAYNE 33149	AARV	1 hour 21 minutes	1,182	Storm Drain	No	AARV failed due to malfunction of several components		Yes	Phase out AARV from manufacturer with repetitive failure
453595	9/4/2019	3:30PM	18538 NW 67 AVE UNINCORPOR ATED MIAMI- DADE 33015	AARV	2 hours 15 minutes	35	Land	No	AARV leaking due to mechanical failure of rolling seal assembly	Replaced AARV	Yes	Phase out AARV from manufacturer with repetitive failure
453747	9/6/2019	2:00PM	398 GOLDEN BEACH DR GOLDEN BEACH 33160	AARV	1 hour 35 minutes	25	Land	No	Debris lodged in AARV caused leak	Replaced leaking AARV with new AARV	Yes	Monitor performance of AARV from new manufacturer
454044	9/11/2019	9:47PM	SW 112TH ST & SW 127TH AVE UNINCORPOR ATED MIAMI- DADE 33186	FM	2 hours 33 minutes	727,659	Storm Drain	No	16" AC force main broken due to substandard material of pipe	Repaired broken 16" AC force main	Yes	Recommended for replacement
454104	9/12/2019	11:00PM	WILLIAM LEHMAN CSWY & Biscayne BLVD AVENTURA 33180	FM	2 hours 15 minutes	304,423	Man made lake	Yes	24" DI force main broken due to internal corrosion	segment of 24"	Yes	Recommended for replacement

**Table 2 - Sanitary Sewer Overflows** 

CCID	Date	Time	Location	Source	Est. Duration	Est. Volume	Destination	Waters	Cause	Immediate Fix	Lo	ng Term Fix
					hr:min	gallons		Of US			Reg'd	Solution
454206	9/14/2019	1:00PM	NE 192 ST & W COUNTRY CLUB DR AVENTURA 33180	FM	4 hours	33,826	Man Made Lake	Yes	24" DI force main broken due to corrosion of a 2" air release tap	Repaired broken 24" force main		Recommended for replacement
454334	9/17/2019	9:30AM	18044 NW 59 AVE UNINCORPOR ATED MIAMI- DADE 33015	GM	3 hours	50	Storm Drain	No	Gravity main blockage due to grease and debris	Cleared gravity main blockage due to grease and debris. Notified local regulatory agency (RER- DERM)	No	No further action required
454682	9/23/2019	3:45PM	950 NW 214 ST MIAMI GARDENS 33169	GM	2 hours 15 minutes	30	Storm Drain	No	Gravity main blockage due to grease	Cleared gravity main grease blockage and notified local regulatory agency (RER- DERM)	No	No further action required
454721	9/24/2019	8:32AM	123 SW North River DR MIAMI 33130	GM	2 hours 43 minutes	400	Land	No	Gravity main blockage due to debris associated with unknown contractor damaging manhole ring and cover	Repaired damaged manhole and cleared debris blockage	No	No further action required
454879	9/26/2019	5:30PM	18730 NW 47 AVE UNINCORPOR ATED MIAMI- DADE 33055	FM	2 hours	20,045	Land	No	8" AC force main broken by Non- County Contractor	Repaired broken section of 8" AC force main	Yes	Recommended for replacement

#### Table 3 - Building Backups

CCID	Date	Time	Location	Source	Est. Duration	Est. Volume	Destination	Waters	Cause	Immediate Fix	Lo	ng Term Fix
					hr:min	gallons		Of US			Req'd	Solution
N/A	7/5/2019	N/A	11306 SW 71 LANE	LAT	N/A	5	N/A	No	Gravity main and lateral blockage	Cleared blockage and relayed public lateral		No further action required
N/A	7/18/2019	N/A	830 BLUEBIRD AVE, MIAMI SPRINGS	LAT	N/A	5	N/A	No	Resident experienced BBU in bathroom caused by WASD crew jetting line	Vendor rendered assistance cleaning / sanitizing	No	No further action required

Appendix A
Supporting Documentation for SSO Events

## <u>Supporting document for July 17, 2019 Event on NW 25 ST & NW 114 AVE caused</u> by non-County Contractor

#### Figure 1 - Notice letter to contractor



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

08/15/2019

Certified 7006 0810 0004 0693 5960

MASTEC

7221 E DR MARTIN LUTHER KING BLVD

TAMPA, FL 33619

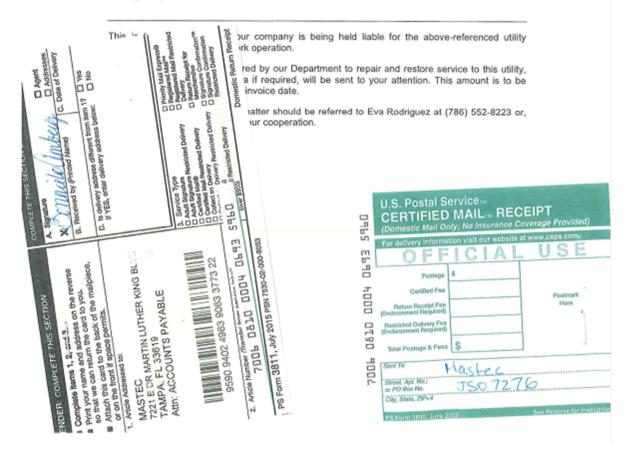
Attn: Accounts Payable

Re: File No: JS07276

Customer No. 00000330

Expenses incurred by Miami Dade Water & Sewer Department to repair and restore service to a damaged 8-inch sewer force main at NW 114th Ave & 25th St. The damage occurred during work operation to install a conduit for MCI. The 8-inch sewer force main was marked correctly. The incident was reported to Miami Dade Water & Sewer Department by Rojas, a representative for MasTec. The contractor was working under Sunshine State One-Call Location Ticket No.179904151. The damage created a sewer spill of 15,592 gallons of raw sewage.

Damage/Repair Date: 7/17/2019



## <u>Supporting document for July 27, 2019 Event on 170 OCEAN LANE DR caused by</u> non-County Contractor

#### Figure 2 - Notice letter to contractor



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

08/15/2019

Certified 7006 0810 0004 0693 5977

HIGH QUALITY UNDERGROUND SERVICES INC. 11280 NW SOUTH RIVER DRIVE MEDLEY, FL 33178

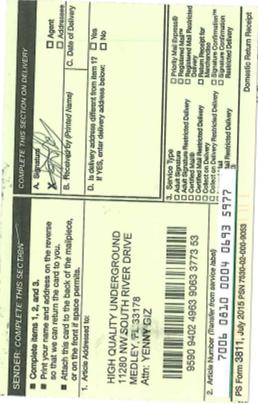
Attn: YENNY GIZ

Re: File No: JS07277

Customer No. 00015747

Expenses incurred by Miami Dade Water & Sewer Department to repair and restore service to a damaged 8-inch sewer gravity main at 170 Ocean Lane Dr. The damage occurred during work operation to install a conduit for Mastec Power Division. The 8-inch sewer gravity main was marked correctly. The incident was reported to Miami Dade Water & Sewer Department by Jose Lopez, a representative for High Quality Underground. The contractor was working under Sunshine State One-Call Location Ticket number 191905037.

Damage/Repair date 7/27/2019



any is being held liable for the above-referenced utility tion.

our Department to repair and restore service to this utility, uired, will be sent to your attention. This amount is to be date.

should be referred to Eva Rodriguez at (786) 552-8223 or,

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7005	Street, Apt. No.; or PO Bax No. City, State, 2014-4	gh Quality	Undergrava 77
	PS Form 3500, June 20	162	See Reverse for Instruction

## <u>Supporting document for August 23, 2019 Event on 13600 SW 128 ST caused by</u> non-County Contractor

#### Figure 3 - Notice letter to contractor



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

10/09/2019

Certified 7006 0810 0004 0693 6158

THE DE MOYA GROUP INC. 14600 SW 136TH STREET MIAMI, FL 33186

Attn: ARMANDO DE MOYA

Re: File No: JS07338

Customer No. 00000239

Expenses incurred by Miami Dade Water & Sewer Department to repair and restore service to a damaged 2-inch air release valve on a 8-inch sewer force main at 13600 SW 128th St. The damage occurred during work operation to install utilities for The Stout Group. The 2-inch air release valve on the 8-inch sewer force main was marked correctly. The incident was reported to Miami Dade Water & Sewer Department by Fabricio Cedillo, a representative for The De Moya Group. The contractor was working under Sunshine State One-Call Location Ticket # 214905603. The incident resulted in a sewer spill of 19,135 gallons of raw sewage.

Damage/Repair Date: 8/23/2019

This is to advise you that your company is being held liable for the above-referenced utility damage resulting from your work operation.

An invoice with the costs incurred by our Department to repair and restore service to this utility, including restoration of the area if required, will be sent to your attention. This amount is to be paid in full within 30 days of the invoice date.

Any questions concerning this matter should be referred to Eva Rodriguez at (786) 552-8223 or, (786) 552-8171. Thank you for your cooperation.

Sincerely,

Controller Division
Special Collections Unit

c: File

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## <u>Supporting document for September 26, 2019 Event on 18730 NW 47 Avenue</u> caused by non-County Contractor

#### Figure 4 - Notice letter to contractor



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

miamidade.gov

10/10/2019

Certified 7006 0810 0004 0693 6301

UNDER POWER CORPORATION 7900 NW 60th ST MIAMI, FL 33166

Attn: RAFAEL NIN

Re: File No: JS07444

Customer No. 00000100

Expenses incurred by Miami Dade Water & Sewer Department to repair and restore service to a damaged 8-inch (AC) sewer force main at NW 47th Ave & NW 188th St. The damage occurred during work operation to install a conduit for Ferra Construction. The 8-inch (AC) sewer force main was marked correctly. The incident was reported to Miami Dade Water & Sewer Department by Damon Smith, a representative for Under Power Corp. The contractor was working under Sunshine State One-Call Location Ticket number 247908847. The incident resulted in a sewer spill of 20,045 gallons of raw sewage.

Damage/Repair Date: 9/26/2019

This is to advise you that your company is being held liable for the above-referenced utility damage resulting from your work operation.

An invoice with the costs incurred by our Department to repair and restore service to this utility, including restoration of the area if required, will be sent to your attention. This amount is to be paid in full within 30 days of the invoice date.

Any questions concerning this matter should be referred to Eva Rodriguez at (786) 552-8223 or, (786) 552-8171. Thank you for your cooperation.

Sincerely,

Controller Division Special Collections Unit

Wilsons

c: File

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