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#### VIA ELECTRONIC CORRESPONDENCE

January 31, 2020

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

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 CCN: 63008 File No: 8.DC.20.32

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 <u>Ammons.Brad@epa.gov</u>

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. 4

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. 4. The 2019 Quarterly Report No. 4 covers the period from October 1, 2019 through December 31, 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

Consent Decree Paragraph 32, 2019 Quarterly Report No. 4 January 31, 2020 Page 2

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<sup>®</sup> Green Associate Assistant Director, Planning and Regulatory Compliance

Attachment: 2019 Quarterly Report No. 4

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. 4 January 31, 2020 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. 4 (Twenty-Third Quarterly Report)

October 1, 2019 through December 31, 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

2019 Quarterly Report No. 4

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#### 2019 Quarterly Report No. 4

#### **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. 4 on or before January 31, 2020.

#### 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 States or the 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 three (3) 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.

	Date	Location	Overflow Volume (gallons)	Contractor or Vandalism
1	7-Oct-19	15665 Biscayne Blvd., North Miami	650	Alvi Tech.
2	16-Oct-19	SW 137 Ave. & SW 270 St.	74,450	SSL Corp.
3	6-Nov-19	SW 97 Ave, & SW 216 St., Cutler Bay	187,092	Protectsa, Inc.

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

#### 3.1 SSOs (Excluding Building Backups)

Table 2 (page 4) documents all SSO events, excluding Building Backups (BBUs), for the fourth calendar quarter of 2019. There was a total of twenty-eight (28) SSO events:

- Seven (7) events involved gravity mains
- Twelve (12) events involved force mains
- Four (4) events involved automatic or manual air release valves
- Five (5) events involved pump stations

There were three (3) 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. However, there was no building backup event to record during this reporting period. Therefore, no building back up table is included in this report.

#### 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.

CCID	Date	Time	Location	Source	Est. Duration	Est. Volume	Destination	Waters	Cause	Immediate Fix	Lon	ig Term Fix
					hr:min	gallons		OfUS		·	Req'd	Solution
455097	10/1/2019	12:25AM	20810 SW 112 AVE	PS	45 minutes	200	Land	No	Pump-out leaking due to corrosion	Replaced pump- out riser and valve	No	No further action required
455457	10/7/2019	12:18PM	15665 BISCAYNE BLVD NORTH MIAMI 33160	FM	2 hours 12 minutes	650	Storm Drain	No	2" PVC force main broken by non-County contractor	Repaired broken segment of 2" PVC force main	No	No further action required
455527	10/8/2019	11:00AM	900 NE 199 ST	GM	3 hours 30 minutes	50	LAKE PARK	Yes	Gravity main blockage due to grease	Cleared gravity main blockage due to grease	No	No further action required
455873	10/13/2019	7:50PM	7778 NW 12 AVE	FΜ	25 minutes	3,380	Storm Drain	No	12" DI force main leaking due to interior corrosion	Repaired corroded segment of 12" DI force main	Yes	12" DI force main recommended for replacement. RER-DERM to investigate pre- treatment facilities in the area
455893	10/14/2019	9:00AM	18151 NE 31 CT AVENTURA 33160	PS	3 hours	200	Land	No	Mechanical failure at PS 0472 (broken belt)	Replaced broken belt and pump station operation restored	Yes	Continue accelerated maintenance schedule
456047	10/16/2019	2:31PM	SW 137 AVE & SW 270 ST	FM	3 hours 39 minutes	74,450	Storm Drain	No	10" AC force main broken by non-County contractor while installing an electrical conduit	segment of 10"	Yes	Recommended for Replacement

#### Table 2 - Sanitary Sewer Overflows

CCID	Date	Time	Location	Source	Est. Duration	Est. Volume	Destination	Waters	Cause	Immediate Fix	Lor	ng Term Fix
456049	10/16/2019	1:00PM	7870 NW 178 ST	PS	40 minutes	45,000	Storm Drain	No	County contractor's plug failed during dewatering operations	County contractor stopped discharging mixed sewer and ground water and installed new plug	No	No further action required
456833	10/30/2019	8:30AM	4501 NW 207 DR MIAMI GARDENS 33055	GM	1 hour 30 minutes	40	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
457198	11/6/2019	8:22AM	18820 NW 47 AVE	FM	1 hour 38 minutes	75	Land	No	Broken 8" AC force main due to point load	Repaired broken 8" AC force main	Yes	Recommended for replacement
457230	11/6/2019	2:37PM	SW 97 AVE & SW 216 ST CUTLER BAY 33190	FM	3 hours 18 minutes	187,092	Storm Drain	No	72" PCCP force main broken by non-County Contractor		No	No further action required
457627	11/14/2019	1:30PM	2841 NE 163 ST NORTH MIAMI 33160	GM	8 hours 15 minutes	40	Storm Drain	No	Gravity main broken by non- County contractor	Repaired broken gravity main	Yes	Reconcile location of asset within GIS

Table 2 - Sanitary Sewer Overflows

CCID	Date	Time	Location	Source	Est. Duration	Est. Volume	Destination	Waters	Cause	Immediate Fix	Lon	g Term Fix
457742	11/16/2019	8:00AM	2801 NE 183 ST AVENTURA 33160	GM	2 hours	30	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
457793	11/17/2019	10:47AM	5950 NW 193 ST	GM	1 hour 13 minutes	40	Storm Drain	No	Gravity main blockage due to Contractor's plug	Removed the plug from gravity main	No	No further action required.
457846	11/18/2019	10:00AM	4613 NW 191 ST MIAMI GARDENS 33055	ARV	45 minutes	25	Land	No	Leaking ARV broken by non- County Contractor	Retired ARV and repaired force main with a 4" stainless steel clamp	No	No further action required
457906	11/19/2019	9:30AM	SW 101 ST & SW 164 AVE	FM	2 hours 30 minutes	8,859	Storm Drain	No	Broken 8" DI force main due to improper bedding.	Repaired broken segment of 8" DI force main	No	No further action required
457946	11/19/2019	10:30PM	3987 NE 167 ST NORTH MIAMI BEACH 33160	GM	1 hour	10	Land	No	Gravity main blockage due to grease	Cleared gravity main blockage and notified local regulatory agency (RER- DERM)	No	No further action required.
458206	11/25/2019	8:30AM	21545 SW 87 AVE CUTLER BAY 33189	FM	2 hours 20 minutes	26,147	UNKNOWN	Yes	8" DI force main broken due to point loading	Repaired broken 8" DI force main	No	No further action required

#### Table 2 - Sanitary Sewer Overflows

CCID	Date	Time	Location	Source	Est. Duration	Est. Volume	Destination	Waters	Cause	Immediate Fix	Lor	g Term Fix
458354	11/27/2019	1:59PM	NW 41 ST & NW 72 AVE	AARV	1 hour 41 minutes	5,906	Storm Drain	No	Broken PVC nipple on AARV	Repaired broken AARV	No	No further action required
458364	11/27/2019	5:40PM	930 N VENETIAN CSWY	FM	33 minutes	3,513	Storm Drain	No	Broken 10" DI force main due to a spilt on the pipe.	Repaired broken 10" DI force main	No	No further action required
458487	12/1/2019	1:00PM	13401 W CALUSA CLUB DR	FM	3 hours 30 minutes	40,560	Land	No	8" PVC force main broken due to sub standard material	Repaired 8" PVC force main with standard material	Yes	Confirmed that the sub- standard material was localized
458490	12/1/2019	12:00PM	SW 88 ST & SW 123 CT	ARV	2 hours	1,773	Storm Drain	No	ARV leaking due to split on nipple	Replaced nipple and valve	No	No further action required
458574	12/2/2019	9:15PM	NW 31 ST & NW 32 AVE	FM	2 hours 45 minutes	17,935	Storm Drain	No	12" DI force main broken due to point load	Repaired 12" DI force main	No	No further action required
458731	12/4/2019	9:10PM	20855 NW 9TH CT MIAMI GARDENS 33169	GM	1 hour 50 minutes	40	Storm Drain	No	Gravity Main blockage due to grease	Cleared gravity main blockage due to grease and notified local regulatory agency (RER- DERM)	No	No further action required
459155	12/12/2019	10:14PM	CRANDON BLVD & E HEATHER DR KEY BISCAYNE 33149	AARV	2 hours 1 minute	5	Land	No	AARV leaking at the threads on the nipple	Replaced nipple and AARV	No	No further action required

 Table 2 - Sanitary Sewer Overflows

CCID	Date	Time	Location	Source	Est. Duration	Est. Volume	Destination	Waters	Cause	Immediate Fix	Lon	g Term Fix
459305	12/15/2019	8:30PM	2790 NE 164 ST NORTH MIAMI BEACH 33160	PS	1 hour 15 minutes	50	Storm Drain	No	FP&L interruption in service	Power restored and PS back in service	No	No further action required
459398	12/17/2019	12:00PM	2601 NE 163 ST NORTH MIAMI 33160	FM	2 hours 15 minutes	21,146	Oleta River	Yes	6" CI force main leaking due to exterior and interior corrosion.	Repaired broken 6" Cl force main	Yes	This force main was recommended for replacement and the design is ongoing
459552	12/20/2019	8:00AM	6250 SW 109 CT	FM	2 hours 30 minutes	30,688	Land	No	8" DI force main broken due to interior corrosion	Repaired broken segment of 8" DI force main	No	No further action required
459847	12/24/2019	6:30AM	19850 NW 59 PL	PS	20 minutes	200	Land	No	Discharge hose on by-pass pump failed	Replaced broken hose and PS operations restored	Yes	PS upgrade plan is under development

#### Table 2 - Sanitary Sewer Overflows

#### Supporting document for October 7, 2019 Event on 15665 Biscayne Boulevard, North Miami caused by non-County Contractor

Figure 1 - Notice letter to contractor

Water and Sewer PO Box 330316 \* 3071 SW 38 Avenue MIAMIDADE Miami, Florida 33233-0316 COUNTY T 305-665-7471 miamidade.gov 12/31/2019 Certified 7006 0810 0004 0693 6554 ALVITECH INC. 11836 SW 7th STREET PEMBROKE PINES, FL 33025 Attn: ROSA M. VASQUEZ File No: JS07448 Customer No. 00002320 Re: Expenses incurred by Miami Dade Water & Sewer Department to repair to a damaged 2-inch sewer force main at 15665 Biscayne Blvd. The damage occurred during work operation to install a conduit for UMC. The 2-inch sewer force main is a private sewer line. The incident was reported to Miami Dade Water & Sewer Department by Andres, a representative from FDOT. The Contractor was working under Sunshine State One-Call Location Ticket # 261909103. Damage/Repair Date: 10/7/2019 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, U.S. Postal Service ve Kod CERTIFIED MAIL RECEIPT 6554 Controller Division ly: No Insurance Coverage Provided) (De Mail Or Special Collections Unit 6690 S E Postane c: File 1000 Certified Fee Return Receipt Fee 0810 7006 Clanet Ant Mo. City, State, ZIP+

## Supporting document for October 16, 2019 Event on SW 137 Ave. & SW 270 St. caused by non-County Contractor

#### Figure 2 - Notice letter to contractor

Water and Sewer PO Box 330316 \* 3071 SW 38 Avenue MIAMIDADE Miami, Florida 33233-0316 COUNTY T 305-665-7471 miamidade.gov 12/31/2019 Certified 7006 0810 0004 0693 6424 S.S.L. CORP. 2530 NW SERVICE ROAD OPA LOCKA, FL 33054 Attn: JOEL A. BARTUSTE Re: File No: JS07484 Customer No. 00030331 Expenses incurred by Miami Dade Water & Sewer Department to repair and restore service to a damaged 10-inch (AC) Sewer Force Main on the East side of SW 137th Ave just South of SW 270th St. The damage occurred at survey marker Sta 27+00; found nail & disk in the center line of SW 137th Ave. The contractor SSL was excavating under Sunshine Location Ticket # 273900797. This ticket does not cover the area of the damage. The damage resulted in a raw sewage spill of approximately 74,450 gallons of raw sewage under incident # 456047. Damage/Repair Date: 10/16/2019 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, U.S. Postal Service E Q ad CERTIFIED MAIL RECEIPT 6424 Mail Only; No Insu (De rance Coverage Controller Division 0693 Special Collections Unit CI Δ S E OF4000 c: File Receipt Fe 0410 **Restricted Delivery Fe** 7006 N Street Apt. No.: 0 or PO B City, State, 20

#### Supporting document for November 6, 2019 Event on SW 97 Ave, & SW 216 St., Cutler Bay caused by non-County Contractor

#### Figure 3 - Notice letter to contractor

Water and Sewer PO Box 330316 \* 3071 SW 38 Avenue MIAMIDADE Miami, Florida 33233-0316 COUNTY T 305-665-7471 miamidade.gov Certified 7006 0810 0004 0693 6653 12/11/2019 PROTECTSA INC 4821 WEST 4TH AVENUE HIALEAH, FL 33012 Attn: JUAN C GUIARDINU Customer No. 00021870 File No: JS07486 Re: Expenses incurred by Miami Dade Water & Sewer Department to repair and restore service to a damaged 72-inch concrete sewer force main at the intersection of SW 216th St & SW 97th Ave near the traffic circle. The sewer force main was damaged by Protectsa, Inc. while excavating to install a conduit for Mastec/Verizon. The area was marked. The Contractor was working under Sunshine Location Ticket # 303900013. The contractor did not soft dig as it is required by the Underground Facility Damage Prevention and Safety Act, Florida Statues Chapter 556.105 Procedures 8 (C). The damage resulted in a sewer spill of 187,092 gallons under incident # 457230. The repair was outsource to V Engineering under RPQ P0234. Damage Date: 11/6/2019 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. U.S. Postal Service Sincerely, E599 **CERTIFIED MAIL**, RECEIPT Erz Rodin m 8 Controller Division Posts Special Collections Unit 1000 Contilled Fee Return Receipt Fe 0780 atricted Delivery Fee forsement Regulated c: File Total Postado & Fast 7006 Elunt To Protectsa trest, Apt. No., r PO Box No. Wy, State, 209+4