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VIA ELECTRONIC CORRESPONDENCE

October 19, 2017

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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
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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 XVII, Paragraph 77 – Notices
Update on CD Appendix D-2, Capital Improvement Project 2.22, Master Pump Station
No. 2

Dear Sir/Madam:

The Miami-Dade County (County) is in receipt of the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) request for an update to the schedule delay related to the June 1, 2017 Consent Decree (CD) Capital Improvement Project (CIP) 2.22 Master Pump Station No. 2 potential Force Majeure notification letter. This correspondence is an update on the delay of the referenced project.

The Force Majeure notification provided on June 1, 2017 to EPA and FDEP stated that this project was being delayed due to the contractor discovering contamination of the groundwater during the excavation for the new foundation footings for the pump station. As a result, Water and Sewer Department (WASD) ceased underground work until an environmental work action plan could be prepared, submitted and reviewed concerning performing underground work in a petroleum contaminated area, thereby creating a potential project delay.

A limited Stop Work Order for all below grade construction activities was issued to the Construction Contractor by WASD on May 16, 2017 due to identified groundwater contamination. The Contractor was requested, in accordance with their contract, to retain the services of an environmental consultant to develop a Contaminated Soil Management Plan for the project. A draft Plan was prepared and submitted to WASD on August 2, 2017 for review. A meeting was held on August 11, 2017 to review comments. As an outcome of this meeting, the limited Stop Work Order was rescinded on August 11, 2017 (an 87-day delay), allowing the Contractor to resume below grade work in accordance with their Contaminated Soil Management Plan. The Contractor and the environmental consultant filed for a dewatering permit; approval of the permit is pending. The Contractor and subcontractors are preparing to resume work on the odor control building footing excavations.

As a consequence, construction activities within Biscayne Boulevard (FDOT right-of-way) have been further delayed due to scheduling conflicts with the pending holidays. The construction activities include a lane closure for the installation of a 42-inch line stop, a 42-inch plug valve and a new magnetic flowmeter. Because of its premier location within the City of Miami, this section of Biscayne Boulevard has a construction moratorium which restricts construction in this area from Thanksgiving Day to New Year's Day per the special provisions of the FDOT Utility Permit No. 2016-H-690-209.

Based on the August 2017 schedule from the Contractor, the Substantial Completion milestone is projected to be April 16, 2018. This does not incorporate the suspension of work due to Hurricane Irma which is anticipated to extend Substantial Completion to the end of April 2018. Further delay may be encountered due to Contractor non-performance. Accordingly, WASD has issued the Contractor a Notice of Non-Performance. The letter requests a recovery schedule. If this is not provided timely, WASD will be proceeding with a Notice of Default with Intent to Cure.

The County remains committed to successfully meeting the requirements of the Consent Decree.

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) 552-8571.

Sincerely,



Hardeep Anand, P.E., ENV SP
Deputy Director, Capital Improvement Programs & Regulatory Compliance

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