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VIA ELECTRONIC CORRESPONDENCE

January 10, 2020

CCN: 62964
File No: 8.DC.20.52

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

Chief, Clean Water Enforcement Branch
Water Protection Division
Attn: Brad Ammons
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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 XI, Paragraph 52 – Delay,
Section XVII, Paragraph 77 – Notices,
Delay Notification for Consent Decree Appendix D-2, Capital Improvement Project 2.19(2)a
Co-Gen Improvements**

Dear Sir/Madam:

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In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on December 30, 2019, Miami-Dade County (County) electronically notified the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) of a Potential Delay of CD Capital Improvement Project (CIP) 2.19 Co-gen Facility located at the Central District Wastewater Treatment Plant (CDWWTP), 3989 Rickenbacker Causeway, Miami, FL 33149. A delay has occurred in the execution of this project during its final construction phase due to biogas not being available to perform acceptance and performance testing of the newly constructed equipment and systems. This delay will impact the project's CD compliance date of May 21, 2020.

In accordance with Section XI, Paragraph 52, this update letter shall further describe and explain the reasons for the delay; the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; County's rationale for attributing such delay to a force majeure event if it intends to assert such a claim; a statement as to whether, in the opinion of the County, such event may cause or contribute to an endangerment to public health or the environment, and documentation to support the force majeure claim.

Background

The CD project description for 2.19 is to install two new cogeneration engines, cogeneration building improvements, replacement of biogas pipeline, and installation of a biogas conditioning system. The project is being executed through three separate child projects or subprojects:

- CD 2.19(1) – Installation of two new cogeneration engines: Completed
- CD 2.19(2)a – Replacement of biogas pipeline and installation of a biogas conditioning system:
Construction 99%
- CD 2.19(2)b – Cogeneration building improvements: Construction: 57%

The delay reported herein is related to subproject CD 2.19(2)a, Replacement of biogas pipeline and installation of a biogas conditioning system.

Biogas produced by the digesters is conveyed to the reciprocating internal combustion Co-Generation Engines to produce heat and electricity. The intent of CD 2.19(2)a is to treat and provide suitable clean biogas to the Co-Generation Engines by upgrading the biogas conveyance and treatment facilities. The project scope consists of the following:

1. Installation of Biological Hydrogen Sulfides (H₂S) Biogas Treatment System including five reactor vessels, moisture removal units, coalescing filters, and associated piping and appurtenances at the Biogas Treatment System area.
2. Replacement of biogas pipelines from the Plant 1 digesters to the Biological Treatment System and from the Biological Treatment System to the Co-Generation engines in the Co-Gen Building.
3. Replacement of rotary sliding vane compressors at the Plant 2 Compressor Building and Existing the Co-gen Building.
4. Construction of a new electrical building to power the new biogas treatment systems and the existing Co-Generation Engines, and replacements for substations 17 and 18.
5. Construction of a new Switchgear Building to power the existing Co-Gen Building.

The work related to electrical components (Item 4 above) achieved substantial completion in March 2019 and the facilities were turned over to the CDWWTP Operation Staff. The remaining work (Items 1, 2, and 3 above) has reached construction completion without conducting required acceptance and

performance testing. The existing Co-Generation Engines also need to be tested to ensure the Co-Generation engines will be synchronized to the generator switchgear in the Main Switchgear Building through the new 5 KV generator switchgear (Item 5 above).

Explanation and description of the reasons for the delay

The contractor completed construction on October 4, 2019 for CD 2.19(2)a. The contractor is required to conduct acceptance and performance testing of the newly constructed equipment and systems with biogas. Due to numerous digesters being out of service, primarily due to cover collapse and ongoing rehabilitation, there is insufficient biogas available for the contractor to conduct testing for the project.

The contractor has completed all available work to the extent possible. Therefore, the County will issue a contract extension to the contractor and will resume with the remaining testing once the biogas becomes available. In the interim, the contractor will perform weekly maintenance and operation of process systems.

Action taken or to be taken to prevent or minimize the delay

The County anticipates that limited biogas will be produced and collected to allow for acceptance and performance testing of CD 2.19(2)a after rehabilitation of CD 2.15(1) Digesters Plant 2 Cluster 1 is substantially completed, which is anticipated to be in the Fall of 2020.

Additionally, the County will take the following steps:

1. Issue a contract extension to the contractor
2. Issue a change order to extend equipment warranties due to testing period postponement
3. Issue a change order for contractor to perform weekly maintenance and operation of process systems until biogas becomes available
4. Substantially complete CD 2.15(1) Plant 2 Cluster 1 Digesters
5. Contractor to perform acceptance and performance testing
6. Contractor to certify substantial completion once Item 5 is complete

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Anticipated duration of the delay

The County will transmit the duration of the delay, upon completion of the time impact analysis for the above activities. The County will closely monitor construction progress and report any further delay to EPA and FDEP when it becomes known to the County and as required by Section XI, Paragraph 52.

Schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay

The County is proactively implementing actions to minimize any further delays and will continue to implement all necessary measures to improve biogas production and to substantially complete CD 2.19(2)a.

Cause or contribution to an endangerment to public health, welfare or the environment

Provision of a clean biogas fuel source to the generators will help to prevent partial loss of power to the plant and temporary equipment shutdown associated with generator failure or unplanned maintenance, and a loss of heat to the anaerobic digestion process. There is no indication that delays in CD 2.19(2)a, Co-Gen Biogas facilities, present an immediate endangerment to the public health, welfare or the environment.

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,


Lynnette M. Ramirez P.E.
Senior Advisor, Capital Improvement Programs & Regulatory Compliance

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