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VIA ELECTRONIC CORRESPONDENCE

November 28, 2017

CCN: 61482
File No: 8.DC.52 & 77

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
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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 – Potential Delay
Section XVII, Paragraph 77 – Notices
Delay Notification Letter for Consent Decree Appendix D-2, Capital Improvement Projects
2.4 – Headworks/Grit Basin Plant 2 at Central District Wastewater Treatment Plant

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on November 14, 2017, Miami-Dade County (County) electronically notified United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) of a delay of CD Capital Improvement Project (CIP) 2.4 Headworks/Grit Basin Plant 2 at Central District Wastewater Treatment Plant (CD WWTP). Delays have occurred in the execution of this project during its construction phase. The November 14th email stated that due to this delay, the completion date on the Contractor's project schedule exceeded the CD compliance date of May 22, 2018.

In accordance with Section XI, Paragraph 52, this notification 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; a statement as to whether, in the opinion of the County, such event may cause or contribute to an endangerment to public health, welfare or the environment.

Explanation and description of the reasons for the delay

The scope of this project comprises the rehabilitation and conversion/upgrade of the existing headworks structures and equipment.

During the construction phase the Contractor has encountered several delays to date, including:

- Unforeseen field conditions so far requiring additional works by the Contractor
 - This delay accounts for one hundred twenty-six (126) days of delay across 30 individual changes.
 - Required modifications due to subsurface conditions and for issues that were discovered during demolition process and/or upon accessing previously active sections of the plant
- Limited work site access so far during wet weather flow conditions, restricting working days for the contractor
 - Accounting for 5 changes for a total of one hundred eight (108) days
 - Includes impacts from re-sequencing of work activity and remediation of areas that were in construction from plant emergency usage of facilities due to high flow conditions
- Hurricane Irma Impacts
 - Accounts for fourteen (14) days of delay

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

The Program Management and Construction Management (PMCM) Team will continue to meet with the Contractor and discuss additional staffing resources and construction schedule changes to mitigate the time impacts associated with these conditions.

Additional actions to be taken to minimize the delay are the following:

1. Monitor progress of re-sequenced work schedule.
2. Consider the necessity of additional rehabilitation requested of the Contractor by the Owner.
3. Engage the Contractor in a focused schedule review of any potential change orders (PCOs) that may affect critical path and completion of the work.

Anticipated duration of the delay

Currently, there is a delay of two hundred forty-eight (248) days of known delays to date, however given the type of issues already encountered and the probability of further unforeseen issues the PMCM recommends that the delay be set at three hundred twenty-five (325) calendar days for Contractor to

reach substantial completion, extending past the original CD compliance date of May 22, 2018 to April 12, 2019.

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

The County has initiated the following steps:

1. Meet with Contractor and Plant Operators to assess other areas of remaining work that can be re-sequenced, and allow concurrent completion of critical path items of work during the 'dry' seasons where access to the work space is more readily available.
2. Consider extended hours of work to improve schedule delivery of critical items of beneficial use to plant operations.
3. Meet with Contractor to discuss additional work resources on the project to expedite key elements of the work.

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

The rehabilitation of these headworks is necessary to ensure the collection system's capacity to serve future developments as well as upgrade equipment to maintain the integrity of our system. It is the County's opinion that this delay will not present an immediate endangerment to the public health, welfare, or the environment.

Should you have any questions regarding this matter, please call me at (786) 552-8571.

I certify under penalty of law that this document was 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.

Sincerely,



Hardeep Anand, P.E., ENV SP

Deputy Director, Capital Improvement Programs & Regulatory Compliance

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