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VIA ELECTRONIC CORRESPONDENCE

December 5, 2017

CCN: 61504
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
5.17 – Upgrade of Pump Stations Nos. 0037, 0351, 0370, 0403

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on November 21, 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) 5.17 (4) Upgrade of Pump Station 0403. Delays have occurred in the execution of this project during its construction phase. The November 21st email stated that this delay is related to unforeseen conditions and the County awaiting the submittal of an acceptable shoring plan from the Contractor. For these reasons, the CD compliance date of December 31, 2017 is expected to be exceeded.

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 includes the upgrade of the existing pump station (PS) #0403, by replacing the wet well, valve vault, associated piping, mechanical and electrical equipment and installation of a new emergency generator.

The CD 5.17 (4) contractor has encountered unforeseen conditions related to underground utilities. The contractor has also been unable to submit a shoring plan, acceptable to the Engineer of Record (EOR) and the Water and Sewer Department (WASD), thereby delaying the installation of the below grade structures. These structures are on the schedule's critical path and delaying progress of subsequent activities. It should be noted that CD 5.17 (1, 2 & 3) are not discussed in this notification letter.

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

The Program Management and Construction Management (PMCM) Team has met with the contractor multiple times to resolve these issues including meetings with the EOR and WASD in an effort to assist the contractor to generate an acceptable shoring submittal and to mitigate the effects of the unforeseen conditions.

Anticipated duration of the delay

Currently, there is a delay of 89 (eighty-nine) calendar days for contractor to reach substantial completion, extending past the original CD compliance date of December 31, 2017 to March 30, 2018. There is no construction float that can be applied to compensate for the delay. Thus, this additional time is necessary for the contractor to reach substantial completion.

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

The County will take the following steps (in sequence) to prevent or mitigate delay or the effect of the delay:

1. Continue to meet with contractor, EOR and WASD to assist in resolution of ongoing problems.
2. Meet with Contractor to discuss additional work resources on the project to expedite key elements of the work.

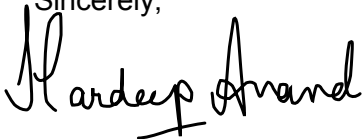
Cause or contribute to an endangerment to public health, welfare or the environment

The rehabilitation of this PS #0403 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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