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VIA ELECTRONIC CORRESPONDENCE

January 27, 2017

CCN: 60820
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
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
Ammons.Brad@epa.gov

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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
Diane.Pupa@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
Delay of CD Appendix D-2, Capital Improvement Project 5.16(1) Upgrade of PS #0198

Dear Sir/Madam:

Pursuant to Section XI, Paragraph 52, this correspondence serves as notification of the delay of Capital Improvement Project (CIP) 5.16(1) Upgrade of PS #0198. This correspondence is also a follow-up letter to the potential delay of CD CIP 5.16 Upgrade to PS# 0198, 0437, 0466 and 0680 email sent to United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) sent on January 13, 2017 as well as the Potential Failure to Meet Consent Decree (CD) Compliance Date for CD CIP 5.16 Notification letter sent on December 23, 2016.

CD CIP 5.16 includes four Pump Stations (PS), i.e. PS#0198, 0437, 0466 and 0680. PS #0198 did not meet the construction completion date of December 31, 2016. Reasons for delays included incomplete and tardy submittals, unanticipated site conditions, resolution of conflicts with high voltage power lines requiring more time than anticipated, equipment delivery delays, and contractor lack of timely diligence to obtain permits.

On January 12, 2017, an accident occurred at the PS 0198 job site that resulted in a construction worker fatality. The CD Program Management and Construction Management (PMCM) Team and Miami-Dade County (County) are actively engaged and cooperating with an Occupational Safety and Health Administration (OSHA) investigation. We will transmit an update on this project including an estimate of the duration of the delay once the County receives the OSHA report.

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) 552-8120.

Sincerely,



Bertha M. Goldenberg, P.E., ENV SP, LEED® Green Associate
Assistant Director, Planning and Regulatory Compliance



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