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VIA ELECTRONIC CORRESPONDENCE

January 27, 2026

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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
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Florida Department of Environmental Protection
Southeast District – West Palm Beach
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West Palm Beach, FL 33406
Attn: Compliance/Enforcement Section
Sirena.Davila@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, Request for Additional Time Extension and
Project Status Update for CD Appendix D-2, Capital Improvement Projects 2.12,
2.13, 2.16 and 2.18 – Thickening and Dewatering Projects at CDWWTP**

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the referenced Consent Decree (CD), Miami-Dade County (the County) notified the United States Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (FDEP) in August 2018, through its Notice of Force Majeure Delay, of a projected delay in achieving Substantial Completion of the CD Appendix D Capital Improvement Projects: CD 2.12 Sludge Thickeners Plant 1, CD 2.13 Sludge Thickeners Plant 2, CD 2.16 Dewatering Facility and CD 2.18 Odor Control Systems (the Projects) at Central District Wastewater Treatment Plant (CDWWTP). At the time, the anticipated delays extended the Substantial Completion Date from January 13, 2023 (the Consent Decree deadline) to January 13, 2026.

Throughout this period, WASD made diligent and continuous good-faith efforts to meet the January 13, 2026 substantial completion deadline. In furtherance of that objective, and to ensure that the facility could begin providing operational and environmental benefits as early as practicable, WASD initiated the transfer and processing of sludge at the CDWWTP Thickening and Dewatering Facility beginning on October 20, 2025.

As the facility began treating sludge, certain test results did not fully meet the specific performance parameters included in the construction contract. Therefore, in an abundance of caution, WASD has been working with the Design-Builder to identify the root cause for the non-compliant test results. Although the facility has been operational and providing tangible operational and water quality benefits since October 20, 2025, WASD has not formally declared Substantial Completion while these evaluations are being finalized. To ensure that the facility meets all stipulated requirements in the construction contract, the County requests a limited extension of the compliance date from January 13, 2026 to January 30, 2026.

This notification will also 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, and a preliminary statement regarding the reason why such event may cause or contribute to an endangerment to public health or the environment.

Background

The Consent Decree requires that the projects associated with the Sludge Thickening and Dewatering Facilities include equipment replacement. In February 2016, the County requested a scope modification for CD 2.12 and CD 2.13 from the EPA and the FDEP. The request was based on the deteriorated condition of existing equipment, the limitations of conventional gravity thickeners, and the temporary nature of the structures housing the dewatering equipment. The County recommended constructing a new combined thickening and dewatering building equipped with centrifuge technology. This new facility would provide a more robust and reliable system, with an estimated life expectancy of 50 years and a 20-year design life for major electrical and mechanical components.

To expedite delivery, the County selected the Design-Build (DB) method, which is traditionally faster than the conventional design-bid-build approach. The DB scope included planning, engineering design, coordination with WASD, permitting, construction, and commissioning of the new Sludge Thickening and Dewatering Building. The final design called for a two-story structure capable of handling secondary sludge from both the Central District Wastewater Treatment Plant (CDWWTP) and the North District Wastewater Treatment Plant (NDWWTP).

On December 22, 2017, while the project was still in procurement, the County requested a 24-month schedule extension. The justification included consolidation of multiple projects for operational efficiency, similar layouts, and equipment procurement delays. The extension was

approved in April 2018. Subsequently, the County submitted an electronic Force Majeure Notification on May 25, 2018, followed by a written notification to EPA and FDEP on June 6, 2018, detailing delays during the procurement phase. These delays impacted the Consent Decree compliance date of January 13, 2023, for CD 2.12, 2.13, 2.16, and 2.18, and required a re-bid of the project. The Design-Build contract received Notice to Proceed (NTP) on July 6, 2020. Currently, the four CD Capital Improvement Projects (2.12, 2.13, 2.16, and 2.18) are approximately 98% complete.

Description of the Delay

The Projects experienced delays during the acceptance and performance testing. The Sludge Thickening and Dewatering Building Acceptance, Performance and I&C Testing are described below:

- **Acceptance Testing:** Conducted from October 20, 2025, through December 4, 2025, on eight (8) Gravity Belt Thickeners (GBTs) for thickening and four (4) centrifuges for dewatering. Each piece of equipment underwent a 3-day, 8-hour test, concluding on December 4, 2025.
- **Performance Testing:** An 8-day, 24-hour continuous test was performed from December 4, 2025, through December 12, 2025.
- **Instrumentation and Controls (I&C) Testing:** A 30-day test commenced on December 4, 2025, and concluded on January 3, 2026.

Some results during these testing activities did not fully meet the specific performance parameters included in the construction contract. The County is evaluating the results and will determine if additional testing is required. It is important to note that, although additional testing may be required to confirm full contractual compliance, the facility has been operational since October 20, 2025, and has already provided significant improvements to plant processes and water quality performance.

Action to Minimize the Delay

The County continues to closely monitor and collaborate with the Design-Builder during the evaluation of test results to mitigate delays in achieving Substantial Completion.

Anticipated Duration of the Delay

The County has reviewed the impacts to the overall project schedule as a result of the delays identified above for the CDWWTP Thickening and Dewatering Project. This delay will extend completion beyond the current Compliance Date of January 13, 2026. While the County previously requested an extension for CD 2.12, 2.13, 2.16, and 2.18 to January 13, 2026, due to the ongoing evaluation of commissioning test results, the County is now requesting an extension of the Compliance Date to January 30, 2026.

Schedule for Implementation of any Measures to Prevent or Mitigate the Delay or the Effect of the Delay

The County will take the following steps to mitigate the delays and/or the effects of these delays:

1. Continue to closely work with the Design-Builder during the evaluation of the commissioning testing results.
2. The County is expediting the evaluation of the commissioning and testing results and will determine if additional testing is required.
3. The County will continue to monitor and work closely with the Design-Builder during the evaluation period of the test results and prompt respond to issue that may arise.
4. Report any further delays to EPA if/when issues arise.

Cause or Contribution to Endangerment of Public Health, Welfare or the Environment

The existing gravity sludge concentrators and sludge handling systems continue to operate while the County and the Design-Builder are working towards achieving substantial completion. Therefore, there is no 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) 552-8894.

Sincerely,



Marisela J. Aranguiz-Cueto, P.E.
Deputy Director
Miami-Dade Water and Sewer Department

cc:

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