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March 20, 2026

VIA ELECTRONIC CORRESPONDENCE

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**RE: Consent Decree (Case: No. 1:12-cv-24400-FAM)
Reference DOJ Case No. 90-5-1-1-4022/1
Section IX – Paragraph 52 – Delay
Section XVII, Paragraph 77– Notices, Delay Notification and Time Extension Request for Consent
Decree Appendix D-2, Capital Improvement Projects 3.3 - Oxygenation Trains and 3.4 - Oxygen
Production at the NDWWTP**

Dear Sir or Madam:

In accordance with Section XI, Paragraph 52 of the Consent Decree (CD), the purpose of this letter is to provide a project status update for Consent Decree Appendix D Capital Improvement Projects (CIP) CD 3.3 Oxygenation Trains and CD 3.4 Oxygen Production at the North District Wastewater Treatment Plant (NDWWTP), and to request a time extension for completion of the rehabilitation.

On October 21, 2022, Miami-Dade County electronically notified the Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (FDEP) of a Force Majeure Delay affecting CD 3.3 and CD 3.4, followed by written notification on November 4, 2022. That notification outlined delays encountered during the County's competitive procurement process, which impacted the March 6, 2026, Compliance Date (Exhibit A).



Background

The Consent Decree project descriptions for CD 3.3 and CD 3.4 are as follows: CD 3.3 includes the rehabilitation of the oxygenation trains, encompassing structural, mechanical, and odor control systems; and CD 3.4 includes the rehabilitation of the oxygen production plant, including structural, mechanical, and electrical systems. Both projects are located at the North District Wastewater Treatment Plant (NDWWTP) and were originally planned for delivery under a single Design-Build contract.

Following the bid cancellation in 2022, the County elected to transition the project delivery method to Design-Bid-Build to encourage broader contractor participation and required the completion of a comprehensive technology evaluation study prior to advancing the design. Additionally, in recognition of evolving industry standards, WASD expanded the overall scope to incorporate advancements in oxygen production technologies, while also addressing sea level rise considerations and updated building code requirements. This expanded scope included the construction of two new oxygen production facilities, three new electrical buildings to support oxygen production processes, and the structural rehabilitation of the six existing oxygenation trains.

As planning and design progressed, it became evident that the scope associated with constructing new oxygen production facilities was significantly more complex than originally anticipated and would require additional time for proper design, procurement, and construction, particularly given the stringent scheduling constraints associated with the Consent Decree deadlines. Accordingly, to ensure compliance with the Consent Decree and maintain uninterrupted and reliable plant operations, the County strategically refocused its efforts on advancing the rehabilitation work explicitly identified in the Consent Decree, while separating the development of the new oxygen production facilities into a future standalone project.

As a result, the program is being managed under two parallel and complementary tracks. The first track prioritizes fulfillment of the Consent Decree requirements through the rehabilitation and overhaul of existing infrastructure, ensuring continued operational reliability, regulatory compliance, and the extension of the useful life of critical treatment assets. The second track focuses on the planning, design, and eventual construction of new oxygen production facilities that will incorporate advanced technologies, enhanced resiliency measures, and additional redundancy to support long-term system performance and future capacity needs.

To date, the Consent Decree scope of work is well underway, with rehabilitation activities actively progressing. These efforts are anticipated to be completed in 2027, ensuring that the County meets its regulatory obligations while maintaining reliable wastewater treatment operations.

CD 3.3 – Oxygenation Trains

The Consent Decree scope includes rehabilitation of the structural, mechanical, and electrical systems for the six oxygenation trains. The County has completed the mechanical rehabilitation of all mixers and has completed structural rehabilitation of four of the six oxygenation trains using its in-house structural team. Work is currently underway on train no. 4, and the final train (train no. 1) is scheduled for rehabilitation in 2027.

Table 1 - Status of Oxygenation Train Rehabilitation

Trains	Structural	Mechanical	Electrical
1	To be completed in 2027	Complete	Complete
2	Complete	Complete	Complete
3	Complete	Complete	Complete
4	On-going, to be completed in 2026	Complete	Complete
5	Complete	Complete	Complete
6	Complete	Complete	Complete

CD 3.4 – Oxygen Production

The existing cryogenic oxygen system at the North District Wastewater Treatment Plant (NDWWTP) consists of three Air Separation Units (ASUs) equipped with compressors, expansion turbines, electronic instrumentation and controls, and liquid oxygen storage and vaporization systems. To ensure continued reliability and operational support, the County procured service contracts with two specialized cryogenic rehabilitation contractors to provide technical assistance, staff training, maintenance of existing equipment, and emergency repair services for the cryogenic oxygen plants at all County wastewater treatment facilities.

Under these contracts, ASU No. 3, which had been out of service for approximately a decade, was overhauled in 2020, including the rehabilitation of its mechanical and electrical components. ASU No. 2 was subsequently rehabilitated in 2023. The overhaul of ASU No. 1 is currently underway and is anticipated to be completed, with the unit returned to service, in summer 2026.

These efforts, focused on rehabilitating and restoring the existing units, extend the useful life of the oxygen production facilities, improve operational reliability, provide dependable equipment for plant operations, and support compliance with the requirements of the Consent Decree.

Action to Minimize the Delay

The County will continue to closely monitor the progress of CD 3.3 and CD 3.4 and will provide regular updates to the U.S. Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (FDEP). The County remains fully committed to implementing all necessary mitigation measures to advance the work, maintain progress, and minimize any further delays. These efforts include continued coordination with contractors and vendors, proactive schedule management, and prioritization of critical rehabilitation activities to support timely completion.

Anticipated Duration of the Delay

The County has evaluated the impacts to the overall project schedule resulting from the delays associated with CD 3.3 and CD 3.4. Based on this assessment, the completion of these projects will extend beyond the current Compliance Date of March 6, 2026. Accordingly, the County is requesting a time extension of the Compliance Date to December 31, 2027, to allow for the completion of the remaining rehabilitation work in a safe, efficient, and compliant manner.

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

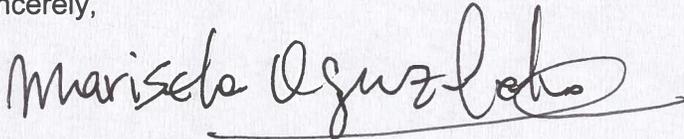
The existing oxygenation trains and oxygen production facilities remain operational while the County advances the required rehabilitation activities. As such, there is no immediate endangerment to public health, welfare, or the environment. The County continues to operate and maintain these systems to ensure reliable treatment performance and regulatory compliance throughout the duration of the work.

The County remains fully committed to completing the Consent Decree rehabilitation work as originally defined under CD 3.3 and CD 3.4. In parallel, the development of a new oxygen production facility represents a proactive and responsible investment in the long-term performance, resiliency, and sustainability of the NDWWTP, extending beyond the minimum 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 fines 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

Attachment: Exhibit A

ec:

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Delay Notification and Time Extension Request for CD CIP 3.3 Oxygenation Trains and CD 3.4 Oxygen Production at NDWWTP

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