



miamidade.gov

**Water and Sewer**  
PO Box 330316 • 3071 SW 38 Avenue  
Miami, Florida 33233-0316  
T 305-665-7471

**VIA ELECTRONIC CORRESPONDENCE**

April 14, 2017

CCN: 61004  
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](mailto: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](mailto:Ammons.Brad@epa.gov)

Rachael Amy Kamons  
Environmental Enforcement Section  
U.S. Department of Justice  
P.O. Box 7611  
Ben Franklin Station  
Washington, D.C. 20044-7611  
[Rachael.Kamons@usdoj.gov](mailto:Rachael.Kamons@usdoj.gov)

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](mailto: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 VI – Specific Capital Improvement Projects, Paragraph 19(i)  
Section XVII, Paragraph 77 – Notices  
Failure to Meet Compliance Date Notification Letter for CD Appendix D-2, Capital  
Improvement Project 4.8 Rehabilitation of 54-inch PCCP FM in the City of Miami**

Dear Sir/Madam:

Pursuant to Section XI, Paragraph 52, this correspondence serves as notification of the failure to meet the final CD compliance date of April 9, 2017 for Capital Improvement Project (CIP) 4.8 Rehabilitation of 54-inch PCCP Force Main in the City of Miami.

The County notified U.S. Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (FDEP) on September 8, 2016 of a force majeure event due to a bid protest. A subsequent letter dated September 30, 2016 stated that the protesting Contractor

April 14, 2017

Page 2

withdrew their bid protest and the circumstances involving the matter resulted in a Project delay of 30 days. On January 18, 2017, a letter was submitted detailing circumstances causing further delay (5 days) of CIP 4.8 Rehabilitation of 54-inch PCCP Force Main in the City of Miami due to a defective valve. EPA and FDEP provided comments and questions on the two initial force majeure notification letters for which the County responded to and submitted on February 7, 2017.

On March 31, 2017, the EPA/FDEP sent a response letter indicating that if or upon the County missing the CD compliance date, they will take into account the information provided before making any decision on whether any portion of the delay was due to a Force Majeure event and whether to assess stipulated penalties in the event the final compliance date is missed. We will notify you once the project has been completed.

WASD 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) 552-8892.

Sincerely,



Maricela J. Fuentes, P.E., ENV SP.

Assistant Director, Capital Projects

ec: Jonathan A. Glogau  
Special Counsel  
Chief, Complex Litigation  
Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, FL 32399-1050  
850-414-3817  
[Jon.Glogau@myfloridalegal.com](mailto:Jon.Glogau@myfloridalegal.com)

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](mailto:Jason.Andreotta@dep.state.fl.us)  
[Lisa.M.Self@dep.state.fl.us](mailto:Lisa.M.Self@dep.state.fl.us)  
[Sed.wastewater@dep.state.fl.us](mailto:Sed.wastewater@dep.state.fl.us)

Mayor Carlos A. Gimenez  
Miami-Dade County  
111 NW First Street 29<sup>th</sup> Floor  
Miami, Florida 33128

Lester Sola, Director  
Miami-Dade Water and Sewer Department  
3071 SW 38<sup>th</sup> Avenue  
Miami, Florida 33146

Jack Osterholt, Deputy Mayor/Director  
Miami-Dade Regulatory and  
Economic Resources  
111 NW 1st Street. 29th Floor  
Miami, FL 33128  
[Josterholt@miamidade.gov](mailto:Josterholt@miamidade.gov)

Henry Gillman, Assistant County Attorney  
Miami-Dade County Attorney  
111 NW First Street Suite 2810  
Miami, Florida 33128

William Bush  
Associate Regional Counsel  
U.S. EPA, Region 4  
61 Forsyth Street, SW  
Atlanta, Georgia 30303  
[Bush.William@epa.gov](mailto:Bush.William@epa.gov)

William A. Weinischke  
Senior Trial Attorney  
Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044  
[Bill.Weinischke@usdoj.gov](mailto:Bill.Weinischke@usdoj.gov)

ebc: Hardeep Anand  
Antonio Cotarelo  
Douglas L. Yoder  
Bertha Goldenberg  
Maricela Fuentes  
Jose Cueto  
Manuel Moncholi  
Ureaka Wyche  
Frances G. Morris  
Sarah Davis  
Sherry Negahban  
Richard O'Rourke  
Howard Fallon  
Robert Fergen  
Al Galambos  
Dan Edwards  
Rolando Roque  
Juan Bedoya  
Lee N. Hefty (RER-DERM)  
Carlos Hernandez (RER-DERM)  
Rashid Istambouli (RER-DERM)  
David Wood (CD PMCM)  
Andrea Suárez Abastida (CD PMCM)  
Abby Diaz (CD PMCM)