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VIA ELECTRONIC CORRESPONDENCE

June 16, 2020

CCN: 63255
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
Attn: Brad Ammons
U.S. Environmental Protection Agency, Region
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Atlanta, Georgia 30303
Ammons.Brad@epa.gov

Rachael Amy Kamons
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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 – Delay,
Section XVII, Paragraph 77 – Notices,
Failure to Meet Compliance Date and Update on Delay Notification for Consent
Decree Appendix D-2, Capital Improvement Project 5.3 Upgrade of Pump
Station 0692**

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on May 5, 2020, Miami-Dade County (County) notified the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) of a Delay including Force Majeure COVID-19 Pandemic impacts to the execution of CD Capital Improvement Project (CIP) 5.3, Upgrade of Pump Station No.0692,

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located at 30211 SW 147th Avenue Homestead, Florida, 33033. The purpose of this letter is to provide an update on the status of this project to the EPA and FDEP. A delay occurred in the execution of this project during its construction phase and impacted the project's CD compliance date of June 17, 2020.

In accordance with Section XI, Paragraph 52, this update 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; County's rationale for attributing such delay to a force majeure event if it intends to assert such a claim; a statement as to whether, in the opinion of the County, such event may cause or contribute to an endangerment to public health or the environment, and documentation to support the force majeure claim.

Background

The CD Exhibit D-1 project description for 5.3 is the replacement of pumping and electrical equipment at Pump Station (PS) 0692. The contractor's scope of work includes the demolition of existing equipment, replacement of booster and wet well pumps, piping, valves, appurtenances, building roof, doors, windows, louvers, HVAC, plumbing, field instruments, site work and bypass piping. The Work also includes removal of an existing indoor generator, converting the existing generator room into an electrical room and adding a new outdoor generator with integral fuel storage tank. The new electrical room will encompass new self-contained Variable Frequency Drives (VFD) to control each booster pump motor, new light-emitting diode (LED) lighting, new panel boards, MCC, automatic transfer switch, and a dry-type step-down transformer. The control systems for the wet well pumps and booster pumps will be replaced with a new control system which includes new Programmable Logic Controllers (PLCs) with HMI screen, a Multismart controller and the Remote Telemetry Unit (RTU).

Explanation and description of the reasons for the delay

On May 5, 2020, the County advised of a delay due to a Contractor's positive COVID-19 case. At this time, the County anticipates that there may be additional COVID-19 related delays on this project such as delays related to the County's Building Department inspections. The above listed COVID-19 circumstance, along with some scope modifications to facilitate enhanced operational efficiencies and to improve safety, are affecting the schedule for the manufacture, delivery and installation of various electrical and instrumentation equipment required for the commissioning of the rehabilitated pump station.

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Anticipated duration of the delay

Even though the County has implemented proactive public health safety measures to limit the spread of the COVID-19 pandemic, the ramifications and extend of delays are still developing. The County will continue to provide additional update on the status of this project. Also, the County recently approved a 162-day time extension to the Contractor related to scope modification for the control and electrical disciplines in order to facilitate operations and improve safety. The County's most recent projection for the project's substantial completion is December 2020, assuming that no additional delays are encountered. The County will closely monitor construction progress and report any further delay to EPA and FDEP when it becomes known to the County and as required by Section XI, Paragraph 52.

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

Additionally, the County will continue implementing the following steps:

1. Implement COVID-19 preventative safety measures to avoid further contamination.
2. Evaluate contractor's recovery schedule and propose any alternative to minimize delay, when applicable.
3. Closely monitor construction progress.

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

The County is proactively implementing actions to minimize any further delays and will continue to implement all necessary measures to substantially complete CD 5.3.

Force majeure rationale

On March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic. National, state and local agencies are taking actions to suppress and control the spread of COVID-19. The County is taking preventative measures to contain the spread and the impacts of the virus. The County attributes any delays resulting from impacts of COVID-19 as a force majeure event as the County notified the EPA and FDEP in the April 3, 2020 Force Majeure Notification due to the COVID-19 Impacts letter. On May 28, 2020, EPA responded to the COVID-19 Related Force Majeure Notification and acknowledged the receipt of the May 5, 2020 Delay Notification for this project. The County continues to monitor and collect the documentation to determine the duration of the COVID-19 related delay and will provide updates to EPA and FDEP as it is obtained.

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

Consent Decree Exhibit D-1 identified that the existing equipment is beyond its useful life. There is no indication that delays to CD 5.3, Upgrade of PS 0692, present an immediate

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endangerment to the public health, welfare or the environment. The PS 0692 is and will continue to be bypassed until upgrades are completed.

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) 552-8571.

Sincerely,



Lynnette M. Ramirez P.E.
Senior Advisor, Capital Improvement Programs & Regulatory Compliance

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Failure to Meet Compliance Date and Project Status Update Notification for CD CIP 5.3 Upgrade of
PS 0692

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