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

VIA ELECTRONIC CORRESPONDENCE

November 7, 2017

CCN: 61423
File No: 8.DC.52 & 77

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

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

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 – Force Majeure
Section XVII, Paragraph 77 – Notices
Force Majeure Follow-up Letter for Consent Decree Appendix D-2, Capital Improvement Projects Due to Hurricane Irma

Dear Sir/Madam:

On September 20, 2017, Miami-Dade County (County) submitted a Force Majeure notification letter to the United State Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) regarding delays caused by Hurricane Irma. This follow-up letter provides additional information regarding the force majeure event. Specifically, follow-up Attachment A sets forth a table identifying the anticipated duration of Hurricane Irma-related delays to the Capital Improvement Projects (CIPs) evaluated to date.

Because of the storm, the County temporarily closed its offices and relieved its administrative employees of their duties. This temporary suspension of normal business activity caused a delay of 14 days for those

projects in permitting and procurement. This is represented in the extension of schedule for the CIPs in the permitting and procurement phase at the time of the storm.


Projects in construction have been impacted to varying degrees. Contractors have a right to claim delays in association with Force Majeure. To date, the Water and Sewer Department (WASD) has evaluated and accepted ten (10) schedule time-extension submittals due to the storm from contractors. The schedule impacts on the remaining 22 projects have not yet been transmitted by the contractors. The County will provide updates of the schedule impacts on the remaining 22 projects in construction as the contractors submit them.

As illustrated in Attachment A, the extension requests range from eight (8) to fourteen (14) days. CIP 5.17 Upgrade of Pump Stations No. 0037, 0351, 0370, and 0403, however, has been delayed by 30-days. The 30-day delay for CIP 5.17 has arisen because Florida Power and Light (FPL), in their efforts to re-establish service to residents and businesses, was unavailable to perform pre-arranged connection of power service for CIP 5.17.

Should you have any questions regarding this matter, please call me at (786) 552-8571.

I certify under penalty of law that this document was 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.

Sincerely,



Hardeep Anand, P.E., ENV SP

Deputy Director, Capital Improvement Programs & Regulatory Compliance

Attachment A: Force Majeure Schedule Impacts Due to Hurricane Irma

cc: 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

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
Lisa.M.Self@dep.state.fl.us
Mike.Bechtold@dep.state.fl.us
Sed.wastewater@dep.state.fl.us

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

Lester Sola, Director
Miami-Dade Water and Sewer Department
3071 SW 38th 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

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

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

ebc: Hardeep Anand
Antonio Cotarelo
Douglas L. Yoder
Bertha Goldenberg
Josenrique 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 Suarez Abastida (CD PMCM)
Scott Eckler (CD PMCM)
Abby Diaz (CD PMCM)

Attachment A

Force Majeure Schedule Impacts Due to Hurricane Irma

Force Majeure Schedule Impacts Due to Hurricane Irma				
Project Phase	Project No. & Name	Current EPA Compliance Milestone	Requested EPA Compliance Milestone	Delay (Days)
PERMITTING	1.07 Digesters and Control Building	10/28/2021	11/11/2021	14
	1.11 General Electrical	3/26/2021	4/9/2021	14
	2.08 Secondary Clarifiers Plant 2	9/12/2023	9/26/2023	14
	2.10 Return Sludge PS Plant 2	9/12/2023	9/26/2023	14
	2.11 Effluent Pump Station	5/9/2020	5/23/2020	14
	2.21 Pump Station No.1	10/23/2019	11/6/2019	14
	3.05 Secondary Clarifiers	8/24/2027	9/7/2027	14
	3.06 Disinfection	9/9/2020	9/23/2020	14
	5.18 Upgrade of Pump Stations No.0441, 0491, 0710, 0827, 0852, 1236	12/31/2018	1/14/2019	14
PROCUREMENT	1.02 Oxygen Production	9/13/2019	9/27/2019	14
	1.03 Oxygenation Trains	11/16/2025	11/30/2025	14
	1.06 Gravity Sludge Thickeners	9/24/2022	10/8/2022	14
	1.08 Dewatering Facility	11/28/2019	12/12/2019	14
	2.05 Oxygenation Trains Plant 1	4/15/2018	4/29/2018	14
	2.12 Gravity Sludge Thickeners Plant 1	4/23/2021	5/7/2021	14
	2.13 Gravity Sludge Thickeners Plant 2	10/23/2019	11/6/2019	14
	2.15 Digesters Plant 2 Cluster 2	7/21/2022	8/4/2022	14
	2.16 Dewatering Building	8/7/2021	8/21/2021	14
	2.27 Oxygen Production	12/30/2019	1/13/2020	14
	5.03 Upgrade of Pump Station No.0692	1/27/2019	2/10/2019	14
	5.05 Replacement of Switchgear and Rehab of Wetwell PS No.0415	1/27/2019	2/10/2019	14
	5.07 Replacement of Switchgear and Rehab of Wetwell PS No.0417	1/27/2019	2/10/2019	14
6.0 Supplemental Environmental Project (SEP)	4/8/2019	4/22/2019	14	
CONSTRUCTION	2.03 Headworks/Grit Basin Plant 1	10/22/2017	11/5/2017	14
	2.15 Digesters Plant 2 Cluster 1	8/19/2022	9/1/2022	13
	2.17 Chlorination Facilities	9/29/2017	10/13/2017	14
	2.19 Co-Gen Improvements	3/31/2019	4/12/2019	12
	3.01 Headworks and Sludge Degritting & Transfer	4/7/2018	4/18/2018	11

Force Majeure Schedule Impacts Due to Hurricane Irma

Project Phase	Project No. & Name	Current EPA Compliance Milestone	Requested EPA Compliance Milestone	Delay (Days)
CONSTRUCTION	4.05 South Dade 54 inch PCCP FM Rehabilitation	11/27/2017	12/11/2017	14
	5.01 Upgrade of Pump Station No.0418	11/24/2018	12/2/2018	8
	5.04 Replacement of Switchgear Pump Station No.0414	5/9/2018	5/23/2018	14
	5.12 Replacement of Switchgear at Pump Station No.0187	5/9/2018	5/21/2018	12
	5.17 Upgrade of Pump Stations No.0037, 0351, 0370, 0403	12/31/2017	1/30/2018	30