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VIA ELECTRONIC CORRESPONDENCE

June 5, 2023

CCN: 64902
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 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
Ammons.Brad@epa.gov

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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,
Force Majeure Notification Follow-Up Letter for Consent Decree Appendix D-2,
Capital Improvement Projects in Construction due Tropical Storm Warnings
(Hurricane Ian)**

Dear Sir/Madam:

The purpose of this letter is to provide additional information on the impacts of the Force Majeure event related to the Tropical Storm Warning issued for South Florida due to Hurricane Ian. The potential Force Majeure delay was reported electronically on September 28, 2022 and in writing on October 12, 2022 to the EPA and FDEP. The October 12, 2022 notification letter provided a tabulated list of Consent Decree projects with contractor claims for a Force Majeure delay due to the Tropical Storm Warning.

Projects in construction have been impacted to varying degrees. Contractors have a right to claim delays due to a Force Majeure event. To date, the Water and Sewer Department (WASD) has evaluated and accepted the contractor project schedule claims detailed below. The associated time extension requests, ranging from two (2) to four (4) days, will be included in future time extension requests if necessary.

Consent Decree Project	Force Majeure Delay (Days)
1.6 – Gravity Sludge Thickeners	2
1.7 – Digesters and Control Building	4
1.8 – Dewatering Facility	2
1.11 – General Electrical	3
2.8 – Secondary Clarifiers Plant 2	3
2.12 – Gravity Sludge Thickeners Plant 1	2
2.13 – Gravity Sludge Thickeners Plant 2	2
2.16 – Dewatering Building	2
2.18 – Odor Control Systems	2

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

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