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VIA ELECTRONIC CORRESPONDENCE

March 5, 2020

CCN: 63083
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
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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 – Force Majeure,
Section XVII, Paragraph 77 – Notices, Notification of Completion for Consent Decree
Appendix D-2, Capital Improvement Projects 2.2 – Building Improvements**

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Dear Sir/Madam:

The purpose of this notification letter is to inform the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) that Consent Decree (CD) Capital Improvement Project (CIP) 2.2 – Building Improvements at the Central District Wastewater Treatment Plant (CDWWTP), 3989 Rickenbacker Causeway, Virginia Key, Florida was completed on January 17, 2020.

Consent Decree project description for CD 2.2, per CD Appendix D, was to perform repairs to maintenance, operations control and administration buildings to include refurbishing of roofs and staff facilities. The project was split into 4 sub/child projects which are summarized in the table below.

Table 1- CD 2.2 Child Projects Summary

Project No.	Description	Completion Date
2.2(1a)	Administration Building & Asbestos Abatement	6/1/2015
2.2(1b)	Administration Building Interior Renovations	1/17/2018
2.2(1c)	Miscellaneous Roof Repairs	10/19/2016
2.2(2)	Remodel Bathrooms, Locker Rooms & Shower	1/17/2020

Miami-Dade County (County) submitted a force majeure notification and a project update letter for CD 2.02(2) – Building Improvements: Remodel Bathrooms, Locker Rooms & Shower, on May 11, 2017 and November 3, 2017, respectively. These notifications described the delays due to Contractor's lack of performance and its subcontractor default during construction. On December 22, 2017, the County requested schedule modification for CD CIPs which included a deadline extension for CD 2.2. On April 11, 2018 EPA approved a revised compliance date of September 26, 2019. Despite numerous notifications of concerns and attempted negotiations, the Contractor continued to struggle with non-performance issues leading to the Contractor's termination for convenience on June 7, 2018. On January 22, 2019, the County submitted a potential delay notification letter to the EPA and FDEP regarding a schedule delay for this project due to the re-implementation of the project phases after the termination of the Contractor: 1) Re-Design to memorialize existing conditions and to update the design to meet the requirements of the newly adopted 2017 Florida Building Code; 2) Re Permitting and the enactment of the new permit requirement, Art in Public Places, from the City of Miami; 3) Re-Procurement and issuing a Notice to Proceed to a New Contractor on April 15, 2019. On September 25, 2019, the County submitted a letter to provide an update on the project status and to notify the EPA and FDEP of the failure to meet the September 26, 2019 CD compliance date.

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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