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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

June 27, 2017

CCN: 61147  
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](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 XI, Paragraph 19(i) – Specific Capital Improvement Project**  
**Notification of Completion Letter for Consent Decree Appendix D-2, Capital Improvement**  
**Project 4.8 Rehabilitation of 54-inch PCCP Force Main in the City of Miami**

Dear Sir/Madam:

The purpose of this letter is to notify the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) that Miami-Dade County completed Capital Improvement Project 4.8 Rehabilitation of 54-inch PCCP Force Main in the City of Miami on June 16, 2017. Attached is a table with a history of our correspondence involving this project as well as EPA/FDEP response. Also attached is the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM) Certificate of Completion of the CD required portion of project which states “Rehabilitate by Cured-in-Place liner approximately 2 miles of 54 inch PCCP FM located on NW 2 St between NW 67 Ave and NW 37 Ave.”

On May 16, 2017, the County sent a force majeure notification letter due the catastrophic failure of the HDPE pipe during a preliminary pressure test of the pipe causing an estimated 12 to 14-day delay. This delay turned out to be 38 days when, on June 8<sup>th</sup>, the section of defective pipe passed the pressure test. The additional 24 days past the initial upper end 14-day estimation was due to the time required to procure the pipe material replacement. At this past May 25<sup>th</sup> Water and Sewer Department (WASD), EPA and FDEP CD Program Update Meeting, FDEP requested that the pipe material analysis report for the pipe that burst during pressure testing be sent to them. This will be provided via electronic submittal to both EPA and FDEP once obtained by WASD.

The rehabilitation of the existing force main is required to prevent failure of the existing pipe. The delay duration of the completion of this project past the CD compliance date of April 9, 2017 did not present any immediate endangerment to the public health, welfare or the environment.

Should you have any questions regarding this matter, please call me at (786) 552-8894.

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.

Sincerely,

A handwritten signature in blue ink that reads "Maricela J. Fuentes". The signature is written in a cursive style with a horizontal line under the last name.

Maricela J. Fuentes, P.E., ENV SP  
Assistant Director, Capital Projects

Attachments: **Attachment A** – History of Delay Notification and Response Spreadsheet  
**Attachment B** - RER-DERM Certificate of Completion

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](mailto:Lisa.M.Self@dep.state.fl.us)  
[Mike.Bechtold@dep.state.fl.us](mailto:Mike.Bechtold@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's Office  
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  
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**  
**History of Delay Notification and Response Spreadsheet**

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CD Capital Improvement Project (CIP) Delay Tracking List												
Submittal										Outcome		
CIP	Correspondence	Notice to EPA/FDEP	CD Due Date	Date of Letter	Reason	Number of Days Requested	Actual Number of Days	Project Phase	EPA/FDEP Response	Date Received	Follow-up Required	Due Date
4.8	Force Majeure Notification for CD CIP 4.8 Rehabilitation of 54-inch PCCP FM in the City of Miami	8/26/2016 (email)	9/9/2016	9/8/2016	Due to a Bid Protest made against the award contract by a contractor who did not win the award.	Anticipated 60-day delay pending resolution of Protest	See below for actual delay	Procurement	EPA/FDEP provided comments and questions on the notification letter.	1/24/2017	Yes	2/7/2017
	Force Majeure for CD CIP 4.8 Rehabilitation of 54-inch PCCP FM in the City of Miami Follow-up Letter	N/A	N/A	9/30/2016	WASD notified EPA/FDEP of protesting Contractor withdrawing their Bid Protest.	30 days	30 days					
	Potential Delay of CD CIP 4.8 Rehabilitation of 54-inch PCCP FM in the City of Miami Notification Letter	1/4/2017 (email)	1/18/2017	1/18/2017	Circumstance potentially causing further delay of CIP 4.8 due to a defective valve.	5 days	5 days	Construction	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.	4/3/2017	Yes	N/A
	Response to EPA/FDEP Comments on Force Majeure Notification and Follow-up Letter	N/A	2/7/2017	2/7/2017	Respond to EPA/FDEP comments and questions on the Force Majeure Notification and Follow-up Letters regarding CD CIP 4.8. This letter also includes updated information regarding the review of the Contractor's accelerated cost proposal. The County considers the proposal excessive; it substantially exceeds the stipulated penalties that would accrue as a result of the bid protest delay for which the Department is requesting a Force Majeure consideration.	N/A	N/A	Construction				
	Failure to Meet Compliance Date Notification Letter for CD Appendix D-2, CIP 4.8 Rehabilitation of 54-inch PCCP FM in the City of Miami	Letter was the Notice	N/A	4/14/2017	Pursuant to Section XI, Paragraph 52 mandating the County to notify the EPA/FDEP within 72 hours of when first knowledge that an event may cause a delay of a project. WASD notified EPA/FDEP of potential failure to meet CD compliance date for CD CIP 4.08.	N/A	N/A	Construction				
Force Majeure for CD CIP 4.8 Rehabilitation of 54-inch PCCP FM in the City of Miami Follow-up Letter	5/3/2017 (email)	5/17/2017	5/16/2017	Due to the catastrophic failure of the newly installed HDPE pipe during a preliminary pressure test of the pipe	12-14 days	38 days	Construction	Pending				

**Attachment B**  
**RER-DERM Certificate of Completion**

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**Department of Regulatory and Economic Resources**

Division of Environmental Resources Management

Pollution Regulation Division

701 NW 1st Court, 7th Floor

Miami, FL 33136-3912

T 305-372-6600 F 305-372-6410

June 16, 2017

ELECTRONIC CORRESPONDENCE

Josenrique Cueto, P.E.  
MIAMI DADE WATER & SEWER DEPARTMENT  
3071 SW 38th Ave  
Miami, FL 33146  
E-mail: JCUETO@miamidade.gov

Project Name: CD 4.8 REHAB 54 INCH FM FROM NW 67 AVE AND 2 ST  
DERM Permit: No.: 2016-SEW-EXT-00215  
FDEP Permit No.: 277169-151-DWC (277169-158-DWC) Permit Revision  
Utility ER Number: S049333

Re: Partial Certification (11,134 LF of 54-inch force main) of Completion of the Domestic Wastewater Collection/Transmission System.

Dear Josenrique Cueto, P.E.:

This letter serves as notification from the Wastewater Permitting Section (WPS) of the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (DERM) that the above referenced project has been partially certified by Mr. Kent Veech, PE. Said certification, signed by the corresponding utility on 6/13/2017, indicated that the project was partially completed in conformance with the approved plans and specifications and/or that the Wastewater Facility Serving the Collection/Transmission System has adequate reserve capacity to accept the flow from this project.

Partial certification completed: 11,134 LF of 54-inch FM.  
Pending Certification: 7590 LF of 54-inch FM.

Pursuant to the above, and inasmuch as all the specific conditions in the FDEP construction permit have been complied with, the DERM hereby clears the facilities covered under the subject project for service.

This notification does not relieve applicants from building permits requesting to connect to the sanitary sewer facilities from the requirements of a Sewer System Treatment and Transmission Certification in accordance with the terms and conditions set forth in the Consent Decree between the USEPA and Miami-Dade County (Case No. 1:12-cv-24400-FAM).

If you have any questions regarding the above, please contact Ms. Hala Mirza, Engineer 2, of the WPS at 305-372-6600 or via email at mirzah@miamidade.gov. When referring to this project, please use the DERM project number indicated above.

Sincerely,

A handwritten signature in blue ink that reads "Rashid Z. Istambouli".

Rashid Z. Istambouli, P.E., Chief  
Division of Environmental Resources Management

Cc: Bertha M. Goldenberg, P.E.; via e-mail: BMG@miamidade.gov  
Kent Veech; via e-mail: kent.Veech@Woolpert.com  
Sergio Garcia, P.E.; via e-mail: garserg@miamidade.gov