



miamidade.gov

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

## VIA ELECTRONIC CORRESPONDENCE

June 13, 2019

CCN: 62628  
File No: 8.DC.42

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 X, Paragraphs 42(a), 44 and 46 – Stipulated Penalties and Order Modifying Section X  
(Document 156)**

Dear Sir/Madam:

On May 28, 2019, Miami-Dade County (County) received a joint Demand for Stipulated Penalties letter dated May 22, 2019 from the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP). County Quarterly Reports submitted to EPA and FDEP pursuant Section IX, Paragraph 32 of the Consent Decree (CD) between January 1, 2017 and December 31, 2018 showed that (15) fifteen of the Sanitary Sewer Overflows (SSOs) reached waters of the United States. EPA assessed stipulated penalties pursuant to Section X, Paragraph 42.(a) and the Order Modifying Section X (Document 156) of the CD in the amount of \$22,000 for the thirteen (13) SSO events that reached the waters of the United States and were subject to stipulated penalties. The County demonstrated that (1) one of these fifteen (15) SSOs were caused by vandalism and it had used all reasonable measures to prevent these SSOs. In addition, the County demonstrated that one (1) of these fifteen (15) SSOs was caused by Hurricane Irma. As a result, the County is not liable for stipulated penalties for these SSOs pursuant to Paragraph 42.(a).(vi) of the CD.

June 13, 2019

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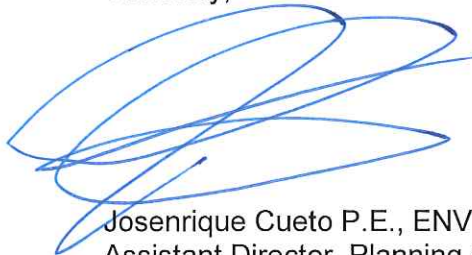
In accordance with Paragraph 44 of the CD, the County shall pay within 30 days of receipt of this aforementioned Demand for Stipulated Penalties letter \$11,000 (50%) of the stipulated penalty to EPA and \$11,000 (50%) of the stipulated penalty to FDEP for a total stipulated penalty amount of \$22,000. As required, the County has disbursed a \$11,000 payment via electronic fund transfer (EFT) to the EPA and a \$11,000 payment to the FDEP.

In accordance with Section X, Paragraph 44 and 46 of the above referenced CD, the County is required to submit proof of payment within thirty (30) days of the written demand for the stipulated penalties. Please find copies of the EFT Authorization form, EFT transaction record and a copy of check to FDEP attached herein.

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) 552-8884.

Sincerely,



Josenrique Cueto P.E., ENV SP, LEED® Green Associate  
Assistant Director, Planning and Regulatory Compliance

Attachments: Copy of EFT Authorization Form, EFT Transaction Record, and Copy of Check to FDEP

ec: Elizabeth Teegen  
Senior Assistant Attorney General, Complex Litigation  
Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, FL 32399-1050  
850-414-3808  
[elizabeth.teegen@myfloridalegal.com](mailto:elizabeth.teegen@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](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

Kevin T. Lynskey, 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  
Miami-Dade Assistant County Attorney  
Miami-Dade County Attorney's Office  
111 NW First Street Suite 2810  
Miami, Florida 33128

Richard Elliott, P.E., PMP  
Environmental Engineer  
Water Protection Division  
U.S. Environmental Protection Agency - Region 4  
61 Forsyth Street. S.W.  
Atlanta, GA 30303  
[Elliott.Richard@epa.gov](mailto:Elliott.Richard@epa.gov)

Paul Schwartz  
Associate Regional Counsel  
U.S. EPA, Region 4  
61 Forsyth Street, SW  
Atlanta, Georgia 30303  
[Schwartz.Paul@epa.gov](mailto:Schwartz.Paul@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  
Lynnette M. Ramirez  
Marisela Aranguiz  
Frances G. Morris  
Sarah Davis  
Lashika Nelson  
Sherry Negahban  
Richard O'Rourke  
Annalise Mannix  
Robert Fergen  
Mayler Porro-Vazquez  
Rolando Roque  
Juan Bedoya  
Dan Edwards  
Manuel Moncholi  
Amanda Kinnick  
Natalia Ojeda  
Mario Campa  
Oscar Vasquez  
Lee N. Hefty (RER-DERM)  
Carlos Hernandez (RER-DERM)  
Rashid Istambouli (RER-DERM)  
Lynn Feldmann (CD PMCM)  
Scott Eckler (CD PMCM)  
Andrea Suarez-Abastida (CD PMCM)  
Cynthia Doyon (CD PMCM)  
Natalia Duque (CD PMCM)

Payment of 2017 & 2018 EPA and FDEP Stipulated Penalties  
Attachments

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# Wire Transfer Detail Report

## Standard Wire Transfer Detail Report

As of 06/12/2019

Company: MD-WATER  
User: FRANK BENITEZ

06/12/2019 09:10 AM ET

Commercial Electronic Office®

Treasury Information Reporting

Currency: USD  
Bank: 121000248  
Account: 2696206503470(FL)

WELLS FARGO BANK, N.A.  
WASD POOLED CASH FUND

Debit Wire Amount	Process Date Time	To:	Corresponding Bank:	Status
11,000.00	06/12/2019 04:42 AM CT	FEDWIRE N/A DEPARTMENT OF JUSTICE 15030001	N/A	COMPLETE

Wire Service Reference Number:  
06121B7031R002073  
Wells Message Number:  
190611118201  
Confirmation Number:  
18823  
Value Date:  
06/12/2019  
Wire Type:  
495  
Wire Amount:  
11,000.00  
Transaction Reference Number:  
190611118201  
USD Equivalent Amount:  
11,000.00  
Originator ID:  
2696206503470  
Originator Name and Address:  
MIAMI DADE WATER & SEWER DEPT  
ATTN ILEANA LILLO  
3071 SW 38TH AVE 5TH FL  
MIAMI FL 331461520 US  
Instructing Bank Code/ID:  
N/A  
Instructing Bank Name and Address:  
N/A  
Sending Party ID:  
002696206503470  
Sending Party Name and Address:  
MIAMI DADE WATER & SEWER DEPT  
ATTN ILEANA LILLO  
3071 SW 38TH AVE 5TH FL  
MIAMI FL 33146-1520  
Bank to Bank Info:  
N/A  
Beneficiary Bank Code/ID:  
N/A  
Beneficiary Bank Name and Address:  
N/A  
Originator to Beneficiary Info:  
UNITED STATES VS.MIAMI DADE COUNTY  
2014A40899 DOJ 90 5 1 1 4022 1  
FOR MOS. JAN 2017 THROUGH DEC 2018  
CIVIL PENALTIES OWED

Instructed Currency/Amount:  
USD/11,000.00  
Exchange Rate:  
1.000000  
Fed/CHIPS/SWIFT Reference Number:  
06121B7031R002073  
Completed Timestamp:  
06/11/2019 02:06 PM CT  
Sender Reference Number:  
GW00000025422199  
Originating Bank Code/ID:  
N/A  
Originating Bank Name and Address:  
N/A  
Receiving Party ID:  
021030004  
Receiving Party Name and Address:  
TREAS NYC/FUNDS TRANSFER DIVISION  
NEW YORK NY  
Intermediary Bank Code/ID:  
N/A  
Intermediary Bank Name and Address:  
N/A  
Beneficiary Code/ID:  
N/A  
Beneficiary Reference ID:  
15030001  
Beneficiary Name and Address:  
DEPARTMENT OF JUSTICE

Text:

021030004 TREAS NYC/FUNDS TRANSFER DIVISION NEW YORK NY . GW00000025422199 ORG=MIAMI DADE WATER & SEWER DEPT  
ATTN ILEANA LILLO 3071 SW 38TH AVE 5TH FL MIAMI FL 331461520 US RFB=18823 OBI=UNITED STATES VS.MIAMI DADE COUNTY  
2014A40899 DOJ 90 5 1 1 4022 1 FOR MOS. JAN 2017 THROUGH DEC2018 CIVIL PENALTIES OWED OPI=2696206503470 /FTR/  
BNF=15030001 DEPARTMENT OF JUSTICE COMPLETED TIMESTAMP 06/11/2019 02:06 PM CT

-11,000.00 Account Net Total  
-11,000.00 Net Total For Bank 121000248 (USD)  
-11,000.00 Net Grand Total For Currency (USD)



MIAMI-DADE WATER AND SEWER DEPARTMENT  
 POOLED CASH ACCOUNT  
 P.O. BOX 330316 MIAMI, FL 33233-0316

Check Date: 06/04/2019		Vendor Name: STATE OF FLORIDA			Check Number: 00702438		
Invoice Number	Invoice Date	Voucher ID	Gross Amount	Payment Deductions			Paid Amount
				Insp Gen Fee	User Access Fee	Discount	
1:12-CV-24400-FAM	05/30/2019	DP53464	11,000.00	0.00	0.00	0.00	11,000.00

Payment to State of Florida Department of Environmental Protection (FDEP) of \$11,000.00 as per USEPA, May 22, 2019; Consent Decree No. 1: 12-cv-24400-FAM; Demand for Stipulated Penalties letter for SSO events for the months January 2017 through December 2018 reaching the surface waters of the United States.

**NEW! Direct Deposit, visit [www.miamidade.gov/water/vendor-deposit.asp](http://www.miamidade.gov/water/vendor-deposit.asp)**

The attached check represents the amount due you as shown on our records.  
 For additional information, contact (305) 665-7471

Check Number	Date	Total Gross Amount	Total Insp Gen Fee	Total User Access Fee	Total Discount	Total Paid Amount
00702438	06/04/2019	\$11,000.00	\$0.00	\$0.00	\$0.00	\$11,000.00

THIS CHECK HAS A VOID PANTOGRAPH ON THE FACE AND A SECURITY WATERMARK ON THE BACK - HOLD AT AN ANGLE TO VIEW.



# Miami-Dade County, Florida

MIAMI-DADE WATER AND SEWER DEPARTMENT  
 POOLED CASH ACCOUNT

00702438

11-24/1210

Date 06/04/2019

VOID AFTER SIX MONTHS

WELLS FARGO BANK, N.A.  
 MIAMI, FL 33131

Pay Exactly

\*\*ELEVEN THOUSAND AND XX/100 DOLLAR\*\*

Pay Amount

\$11,000.00\*\*

To The Order Of

STATE OF FLORIDA  
 DEPT OF ENVIRONMENTAL PROTECTION  
 400 NORTH CONGRESS AVE, SUITE 200  
 WEST PALM BEACH, FL 33401



Memo: United States et al. v. Miami-Dade County - Case No. 1:12-cv-24400-FAM "Ecosystems Management and Restoration Trust Fund."

⑈00 70 24 38⑈ ⑆1 2 1000 248⑆ 26 96 206 50 34 70⑈