



miamidade.gov

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

## VIA ELECTRONIC CORRESPONDENCE

March 29, 2017

CCN: 60941  
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 X, Paragraphs 42(a), 44 and 46 – Stipulated Penalties and Order Modifying Section X  
(Document 156)**

Dear Sir/Madam:

On March 6, 2017, Miami-Dade County (County) received a joint Demand for Stipulated Penalties letter dated March 2, 2017 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, 2016 and December 31, 2016 showed that (8) eight 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 \$14,000 for the six (6) SSO events that reached the waters of the United States and were subject to stipulated penalties. The County demonstrated that (2) two of these eight (8) SSOs were caused by vandalism and it had used all reasonable measures to prevent these SSOs. As a result, the County is not liable for stipulated penalties for these SSOs pursuant to Paragraph 42.(a).(vi) of the CD.

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 \$7,000 (50%) of the stipulated penalty to EPA and \$7,000 (50%) of the stipulated penalty to FDEP for a total stipulated penalty amount of \$14,000. As required, the County has disbursed a \$7,000 payment via electronic fund transfer (EFT) to the EPA and a \$7,000 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) 552-8120.

Sincerely,



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

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

ec: 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](mailto: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](mailto:Lisa.M.Self@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  
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](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  
Maricela Fuentes  
Jose 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 Suárez Abastida (CD PMCM)  
Abby Diaz (CD PMCM)

## Attachments

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# Wire Transfer Detail Report

Custom

As of 03/15/2017

CUSTOMER ID: MDWAT419

OPERATOR ID: MDADMIN2

MD-WATER

03/15/2017 08:25 AM ET

Commercial Electronic Office®

Treasury Information Reporting

Currency: USD

Bank: 121000248

Account: 2696206503470(FL)

WELLS FARGO BANK, N.A.  
POOLED CASH FUND

Debit Wire Amount	Process Date Time	To:	Corresponding Bank:	Status
7,000.00	03/15/2017 05:36 AM CT	FEDWIRE N/A DEPARTMENT OF JUSTICE 15030001	N/A	COMPLETE

Wire Service Reference Number:

**031511B7032R001117**

Wells Message Number:

**170314110630**

PC Reference/Confirmation Number:

**12907**

Value Date:

**03/15/2017**

Wire Type:

**495**

Wire Amount:

**7,000.00**

Transaction Reference Number:

**170314110630**

USD Equivalent Amount:

**7,000.00**

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:

**RECEIVER ABA TREAS NYC/CTR**

Text:

**021030004 TREAS NYC/FUNDS TRANSFER DIVISION NEW YORK NY . GW00000002290580 ORG=MIAMI DADE WATER & SEWER DEPT  
ATTN ILEANA LILLO 3071 SW 38TH AVE 5TH FL MIAMI FL 331461520 US RFB=12907 OBI=RECEIVER ABA TREAS NYC/CTR  
OPI=2696206503470 /FTR/ BNF=15030001 DEPARTMENT OF JUSTICE COMPLETED TIMESTAMP 03/14/2017 02:13 PM CT**

**-7,000.00 Account Net Total**

**-7,000.00 Net Total For Bank 121000248 (USD)**

**-7,000.00 Net Grand Total For Currency (USD)**

---- END OF REPORT ----

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

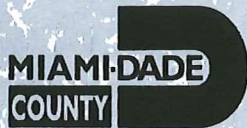
Check Date: 03/14/2017		Vendor Name: STATE OF FLORIDA			Check Number: 00639788		
Invoice Number	Invoice Date	Voucher ID	Gross Amount	Payment Deductions		Discount	Paid Amount
				Insp Gen Fee	User Access Fee		
1:12-cv-24400-FAM 2017	3/10/2017	DP49468	7,000.00	0.00	0.00	0.00	7,000.00

Payment to Florida Department of Environmental Protection (FDEP) of \$7,000.00 as per USEPA, March 3, 2017, Consent Decree No. 1:12-cv-24400-FAM; Demand for Stipulated Penalties letter for SSO events reaching 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
00639788	3/14/2017	\$7,000.00	\$0.00	\$0.00	\$0.00	\$7,000.00

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

00639788

11-0024/1210

Date 03/14/2017

VOID AFTER SIX MONTHS

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

Pay Exactly

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

Pay Amount **\$7,000.00\*\*\***

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."

⑈00639788⑈ ⑆121000248⑆ 2696206503470⑈