



miamidade.gov

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

**VIA ELECTRONIC CORRESPONDENCE**  
**CERTIFIED MAIL: 7010 0290 0000 0784 8473**

August 13, 2020

CCN: 63337  
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 July 6, 2020, Miami-Dade County (County) received a Demand for Stipulated Penalties letter from the 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, 2019 and December 31, 2019 included (37) thirty-seven Sanitary Sewer Overflows (SSOs) of 1,000 gallons or more that did not reach waters of the United States. FDEP assessed stipulated penalties pursuant to Section X, Subparagraphs 42.(a)(i) through (v) and the Order Modifying Section X (Document 156) of the CD in the amount of \$37,000 for these thirty-seven (37) SSO events that did not reach waters of the United States and were subject to stipulated penalties.

On August 3, 2020, FDEP granted the County a time-extension for the payment of the stipulated penalties to August 17, 2020 due to delays associated with COVID-19 and passage of Tropical Storm/Hurricane Isaias during the weekend of August 1 and 2, 2020. As required, the County disbursed a \$37,000 check to the FDEP and will be sent via certified mail. Please find a copy of the 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

Attachment: Copy of Check to FDEP

ec: Barbara Jean Throne  
Senior Assistant Attorney General, Complex Litigation  
Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, FL 32399-1050  
850-414-3808  
[Barbara.throne@myfloridalegal.com](mailto:Barbara.throne@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)  
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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  
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Richard Elliott, P.E., PMP  
Environmental Engineer  
Water Protection Division  
U.S. Environmental Protection Agency - Region 4  
61 Forsyth Street. S.W.  
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Paul Schwartz  
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61 Forsyth Street, SW  
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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

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

Check Date: 08/04/2020		Vendor Name: STATE OF FLORIDA			Check Number: 00732131		
Invoice Number	Invoice Date	Voucher ID	Gross Amount	Payment Deductions			Paid Amount
				Insp Gen Fee	User Access Fee	Discount	
CDNO.1:12-CV-24400-FAM-A	07/06/2020	DP53755	37,000.00	0.00	0.00	0.00	37,000.00

Payment to State of Florida Department of Environmental Protection (FDEP) of \$37,000.00 as per FDEP July 6, 2020; Consent Decree No. 1: 12-cv-24400-FAM; Demand for Stipulated Penalties letter for SSO events of 1,000 gallons or more for the months of January 2019 through December 2019 that did not reach waters of the United States during this time period.

**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
00732131	08/04/2020	\$37,000.00	\$0.00	\$0.00	\$0.00	\$37,000.00

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

00732131

11-24/1210

VOID AFTER SIX MONTHS

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

Date 08/04/2020

Pay Exactly

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

Pay Amount

\$37,000.00\*\*

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."

⑈00732131⑈ ⑆121000248⑆ 2696206503470⑈