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VIA ELECTRONIC CORRESPONDENCE

July 14, 2021

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Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Tom Mariani
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RE: DOJ No. 90-5-1-1-4022/1
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Chief, Clean Water Enforcement Branch
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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 – Potential Delay,
Section XVII, Paragraph 77 – Notices, Failure to Meet Compliance Date and Update
on Delay for Consent Decree Appendix D-2, Capital Improvement Projects SDWWTP
1.2 Oxygen Production**

Dear Sir or Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above-referenced Consent Decree (CD), on June 30, 2021, Miami-Dade County (County) notified electronically, the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) of a potential delay of CD Capital Improvement Project (CIP) 1.2 Oxygen Production at South District Wastewater Treatment Plant (SDWWTP). As a result, this project experienced delays during the construction phase that may impact the Project CD compliance date of February 25, 2022.

In accordance with Section XI, Paragraph 52, this update letter shall further describe and explain: the reasons for the delay; the anticipated duration of the delay; all actions are taken or to be taken to prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; the County's rationale for attributing such

delay to a force majeure event if it intends to assert such a claim; a statement as to whether, in the opinion of the County, such an event may cause or contribute to the endangerment of public health or the environment, and documentation to support the force majeure claim.

Background

The CD project description is the replacement and retrofit of existing air compression units.

The Notice to Proceed for this project was issued to the Contractor on January 7, 2019, with a Contract Duration to Construction Completion of 770 days (February 15, 2021) and Substantial Completion of 840 days (April 26, 2021). The project consists of upgrades to the SDWWTP's cryogenic oxygen generation facilities, including installing a new 125-ton Compressor No. 4 and upgrading and overhauling existing Compressor No. 3 from 100-tons to 125-tons. These modifications will allow the plant to meet current and future capacity requirements and provide for redundancy. The completed project will also provide an expanded and upgraded Oxygen Production Facility to include a new resilient Electrical Building.

Explanation and description of the reasons for the delay

To date, several delays have been encountered during the construction of this project:

1. On April 25, 2019, during verification of the existing field conditions, it was discovered that the portion of the existing electrical duct bank was going to remain too shallow and 6-feet further east than shown on the contract drawings. This situation created a conflict with the foundation of the new electrical building because it did not allow for appropriate top coverage of the new duct bank that was expected to be built over top of the existing one. As a result, the existing duct bank was demolished and relocated before installing the new duct bank.
 - Anticipated duration of the delay:
A 35-day time extension was provided to the Contractor due to this delay extending Construction and Substantial Completion.
 - Action taken or to be taken to prevent or minimize the delay:
The County immediately coordinated with the Contractor and the Engineer of Record (EOR) to expedite the relocation of the existing duct bank. In addition, the County looked at additional paths to reroute the new duct bank, but due to existing utilities in the vicinity, this was not a feasible option.
 - Schedule for implementation of mitigation strategy:
The strategy to mitigate this delay has already been completed.
2. The Contractor had delays with the electrical gear manufacturer, which delayed the fabrication and delivery of the transformers, motor control centers, and primary and secondary switchgear. In addition, a delay was encountered with the system integration of the controls and control wiring of the individual components of the project, including the electrical gear, compressor control panel, instrumentation, and remote terminal units.

- Anticipated duration of the delay
The additional delay required to deliver the electrical equipment and adequately integrate the individual electrical components resulted in the approximately 335-day extension of Construction and Substantial Completion dates of Consent Decree work.
 - Action taken or to be taken to prevent or minimize the delay
The County coordinated closely with the Contractor and the EOR to review and approve the manufacturer's equipment submittals, including multiple meetings between the EOR and the manufacturers to discuss the review comments and the issues preventing the approval of the gear. In addition, the County utilized existing Contracts with Siemens (control panel supplier), Eaton (electrical gear supplier), and Mohawk (programming team) to issue work directives to assist with the development and coordination of the loop drawings required to integrate the individual systems. WASD's electrical team and the Contractor's electrical subcontractor contributed forces to help identify and complete landing the wiring necessary for the control loops to function.
 - Schedule for implementation of mitigation strategy
The County identified options to reduce the time from 60 to 30 days based on the sequence of construction and startup requirements for the Contract. The reduction has been identified between the startup of Compressor No. 04 and the release of Compressor No. 03 for fabrication.

The Compressor manufacturer, Ingersoll Rand, is reviewing options to reduce the turnaround time from 120 to 90 days for Compressor No. 03, including shipping the components individually when fabrication or rehabilitation is complete, versus shipping the complete system.

The Contractor will be able to decrease installation time from 30 days to 7 by receiving components of Compressor No. 03 earlier. The Contractor will also commit additional time and resources to the installation process.
3. The project experienced delays in the commissioning process of Compressor No. 04, including: the Contractor identifying missing parts; issues with the soft starter provided within the electrical switchgear causing excessive vibration; alignment issues between the compressor and compressor motor; and settings within the vibration switches causing unnecessary shutdowns.
- Anticipated duration of the delay
The additional delays in troubleshooting the issues found during the commissioning process resulted in 23 days additional time.
 - Action taken or to be taken to prevent or minimize the delay
Ingersoll Rand (compressor manufacturer, Eaton (electrical gear supplier), Siemens (control panel supplier), Mohawk (programmer) and Contractor provided resources to troubleshoot and identify the issues preventing startup. Through this combined effort, issues were resolved, and testing could proceed on July 2, 2021. The County currently anticipates completing the testing of Compressor No. 4 by August 2021 and reaching Construction Completion in March 2022 and Substantial Completion in June 2022.
 - Schedule for implementation of mitigation strategy
The strategy to mitigate this delay has been executed.

Cause or contribute to the endangerment of public health, welfare, or the environment

Improvements performed under CD CIP 1.2 are needed to meet SDWWTP's 125-ton oxygen demand, which could affect the performance of the secondary treatment process and result in effluent limit violations. However, there is no indication that delays in startup and commissioning of the compressors would present an immediate endangerment to the public health, welfare, or the environment.

Summary of Project Impacts:

As described herein, there have been delays on this project that have contributed to the potential failure to meet the February 25, 2022 Compliance Date for Project 1.2 Oxygen Production at SDWWTP. Based on the delays and despite the County's best effort to mitigate, the schedule float was lost. The County is currently anticipating that this project will reach Construction Completion with a 30-day delay. The County respectfully requests that the delays listed above be considered justifiable toward the anticipated delay from the Compliance Date. Therefore, no penalties should be assessed. The County believes that due diligence was performed during the design, and the conditions that caused the delays were unforeseen. Additionally, the County took immediate action to mitigate any further delay, as supported above.

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 ensure 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 collecting 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 a fine and imprisonment for knowing violations.

Should you have any questions regarding this matter, please call me at (786) 552-8571.

Sincerely,



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