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VIA ELECTRONIC CORRESPONDENCE

January 18, 2017

CCN: 60803
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

Chief, Clean Water Enforcement Branch
Water Protection Division
Attn: Brad Ammons
U.S. Environmental Protection Agency, Region 4
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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
Diane.Pupa@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
Potential Delay Notification Letter for Consent Decree Appendix D-2, Capital
Improvement Project 4.8, Rehabilitation of 54-inch PCCP FM in the City of Miami**

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), Miami-Dade (County) notified EPA and FDEP, via email, on August 26, 2016 of a potential delay in the Appendix D-2 Capital Improvement Project (CIP) 4.8 Rehabilitation of approximately two (2) miles of 54-inch PCCP Force Main in the City of Miami between the intersection of NW 2nd St and NW 67th Ave and NW 37th Ave and NW 11th St. Also in accordance with the above, on September 8, 2016 the County submitted a notification letter that described and explained the reasons for the delay; the anticipated duration of the delay; all actions 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; 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 event may cause or contribute to an endangerment to public health, welfare or the environment, and documentation to support the force majeure claim. A follow-up letter was submitted on September 30, 2016 describing a final update with a 30-day time extension request.

The County notified EPA and FDEP, via email, on January 4, 2017 of an additional circumstance potentially causing further delay in the Appendix D-2 CIP 4.8 due to a defective valve. Below is a more detail description of this delay and the efforts made to mitigate the impact of the delay on the project.

Notice to Proceed (NTP) was issued to the Contractor on September 19, 2016. The Contractor mobilized his resources to the field and preparations were made to isolate the 54-inch force main to be rehabilitated. It soon became apparent that WASD was having difficulties in positively isolating the 54-inch force main due a defective valve on an adjacent force main that would not positively close to allow the 54-inch force main to be taken out of service. This occurrence was investigated and identified to be caused by a defective 48-inch interconnect valve. A replacement plan of action was developed and WASD requested the Contractor replace the valve. Once approved this activity took five (5) days to complete before the Contractor could commence construction activities on the 54-inch force main.

The Program Management and Construction Management (PMCM) team has been in discussions with the Contractor to determine if mitigation efforts can be implemented to bring the milestone completion date back into compliance (to April 9, 2017), thereby reducing the impact of any milestone date overrun. These negotiations are currently underway, the Contractor has been asked to submit a cost proposal to accelerate his construction activities, prepare a resource and cost loaded mitigation schedule. The Contractor has been asked to submit this to PMCM by January 23, 2017 for review by WASD. A follow-up letter will be submitted subsequent to proposal negotiation completion.

The duration of the potential delays of CD CIP 4.8 Rehabilitation of 54-inch PCCP FM in the City of Miami due to the bid protest and the defective valve is 35 days.

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

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,



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

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