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VIA ELECTRONIC CORRESPONDENCE

October 13, 2020

CCN: 63408
File No: 8.DC.20.52

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Tom Mariani
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
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
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

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,
Potential Delay Notification for Consent Decree Appendix D-2, Capital Improvement
Projects 2.1 Electrical Improvements**

Dear Sir/Madam:

In accordance with the provisions of Section XI, Paragraph 52 of the above referenced Consent Decree (CD), on June 20, 2019, Miami-Dade County (County) electronically notified the United States Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) of a Potential Delay of CD Capital Improvement Project (CIP) 2.1 Electrical Improvements at Central District Wastewater Treatment Plant (CDWWTP). This project experienced delays during the construction phase of Child Project 2.1(7) - Substations 7A, 8A, 9A, and 10A (Cryogenic No. 3).

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 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 or the environment, and documentation to support the force majeure claim.

Background

The CD project description is the rehabilitation and replacement of electrical controls and wiring as needed. Due to multiple building facilities requiring improvements in various locations within the CDWWTP, this CD project was divided into seven child projects:

- 2.1(1) Substations 1 & 2 – Completed on May 5, 2016.
- 2.1(2) Substations 3, 4A, 4B, 5 & 6 – This work is part of Project 2.27(2). Construction continues.
- 2.1(3) Substations 9 & 10 – This work is part of Project 2.10(1). Construction continues.
- 2.1(4) Substations 11 & 12 – This work is part of Project 2.11. Construction continues.
- 2.1(5) Substations 15 & 16 – This work is part of Project 2.15(1). Construction continues.
- 2.1(6) Substations 17 & 18 – This work is part of Project 2.19(2a). Construction was completed on October 4, 2019.
- 2.1(7) Substations 7A, 8A, 9A & 10A – Construction commenced and is currently 15% complete.



This delay is specific to Child Project 2.1(7), which scope of work includes furnishing all materials, labor, and equipment necessary for a new electrical substation building for Substations 7A, 8A, 9A and 10A. The substations provide power for the processes at the Oxygen Generation Plant 2 Building. The walls of the new building will consist of concrete masonry unit blocks with concrete cast-in-place columns supporting the roof loads. The new building will be designed to comply with sea level rise and storm surge design criteria for the CDWWTP, which require all critical facilities to be placed at or above a finished floor elevation, of 20.9 NGVD.

Explanation and description of the reasons for the delay

On July 2, 2020, the Contractor notified the County of a delay in mobilization of the test pile crew due to a positive COVID-19 case.

In addition, the Contractor has encountered an unforeseen field condition that requires the relocation of an 8-inch potable water pipe. Given the limited space at CDWWTP, it is currently a better approach to relocate the unforeseen utilities than to move the new electrical substation building footprint and pile locations.

Action taken or to be taken to prevent or minimize the delay

The County continues to inform contractors on COVID-19 preventative safety measures to practice social distancing and wearing masks. COVID-19 is also discussed during safety and progress meetings. The County is working with the Contractor and the Engineer to relocate the 8-inch potable water pipe. In addition, the County has requested for the Contractor to locate all existing utilities in the work area before initiating installation to detect any potential conflicts with other existing utilities. The County will closely monitor progress in the construction phase and report any further delay to EPA immediately when it becomes known to the County.

Anticipated duration of the delay

The time impact of relocating the underground utility and completing the cast-in-place piles will remain undetermined until the work is completed and the Contractor can resume construction of the substation building. The County will transmit the duration of the anticipated delay, upon completion of a time impact analysis.

Force majeure rationale

On March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic. National, state and local agencies are taking actions to suppress and control the spread of COVID-19. The County is taking preventative measures to contain the spread and the impacts of the virus. The County attributes any delays resulting from impacts of COVID-19 as a force majeure event. The Contractor provided an email notification, with attachments, from the test pile crew notifying of COVID-19 impacts.



Schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay

The County will take the following steps to prevent or mitigate the delay or the effect of the delay:

1. Continue implementing preventative safety measures to limit the spread and impacts of COVID-19
2. Because the project is approximately 15% completed, the County will closely monitor the construction progress
3. County to report further delay to EPA when issue arises

Cause or contribution to an endangerment to public health, welfare or the environment

Improvements performed under CD CIP 2.1 are needed to prevent failure of electrical controls or wiring which could result in plant shutdowns, wastewater overflows and effluent violations. There is no indication that delays in Electrical Improvements of the substations present an immediate endangerment to the public health, welfare or the environment.

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) 552-8571.

Sincerely,

A handwritten signature in blue ink that reads "Lynnette M. Ramirez".

Lynnette M. Ramirez P.E.
Senior Advisor, Capital Improvement Programs & Regulatory Compliance

Attachment: Contractor's COVID-19 Notification

ec: Anita Patel
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Suarez, Andrea (Consultant)

From: Lopez, Rennie (Consultant)
Sent: Tuesday, October 06, 2020 10:22 AM
To: Suarez, Andrea (Consultant)
Subject: FW: CD2.01(7) Auger Cast Piles Crew Mobilization
Attachments: Positive test result.pdf; Bobby Shawn Wix.pdf; Evelio Infante Test Results (6-30-20).pdf; Results - Fred Maxwell.pdf

Please see below and attached as requested.

Rennie Lopez, PE, MEM**Construction Manager**

rennie@miamidade.gov

Miami-Dade Water and Sewer Department
Consent Decree PM/CM Team
3071 S.W. 38th Avenue
Miami, FL 33146
Office: 786-552-8730
Cell: 787-505-7079



From: Velez, Jaime <jvelez@oconnells.com>

Sent: Thursday, July 2, 2020 4:56 PM

To: Lopez, Rennie (Consultant) <Rennie.Lopez@miamidade.gov>

Cc: Espinoza, Christian (Consultant) <Christian.Espinoza@miamidade.gov>; Gardner, Haneef <hgardner@oconnells.com>
Subject: RE: CD2.01(7) Auger Cast Piles Crew Mobilization

EMAIL RECEIVED FROM EXTERNAL SOURCE.

Rennie,

As discussed earlier this week, DOC was notified that the auger cast pile crew had one member with COVID-19 which resulted in the crew being sent for testing. This is delaying the mobilization that was expected for Monday next week to possibly Tuesday or Wednesday for a Thursday start of the work. The attached includes a positive test result and negative test results for the balance of the crew member. Test negative test results for other crew members are forthcoming.

Regards,

Jaime Vélez
Project Manager



Daniel O'Connell's Sons
2999 NE 191st St, Suite 906
Aventura, FL 33180
www.oconnells.com

Mobile: 305-433-1549
Email: jvelez@oconnells.com

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CLINICAL REPORT

CLINICAL ABNORMALITIES SUMMARY:

(May not contain all abnormal results: narrative results may not have abnormal flags. Please review entire report.)

COVID-19 Positive for
Oropharynx 2019-nCoV

MISCELLANEOUS

Test	Result	Abnormal	Reference	Units	Rpt Date	Prior Result	Date
COVID-19 Oropharynx		Positive for 2019-nCoV	Not Detected		06/23/20		

NOTE: The COVID-19 assay has been cleared by the U.S. Food and Drug Administration under the Emergency Use Authorization (EUA). BioReference Laboratories is designated as a high complexity laboratory by the Clinical Laboratory Improvement Amendments of 1988 (CLIA) and is qualified to perform this test. ASSAY INFORMATION: Real Time RT-PCR

Final Report

Name BOBBY WIX		Req Form # 564050	Collected 06/30/2020	Client Boulevard Heights Community Center-Florida Department of Health
Address 11966 SW 55TH ST COOPER CITY, FL, 33330		Accession # 564050	Received 07/01/2020	Address
Patient ID 209645	Gender Male	Date of Birth 10/28/1971	Race White	Ordering Provider Bradley Elias, MD
Ordered Test(s): COVID-19		Collection Device: Nasopharyngeal swab	Collection Medium: MTM	

COVID-19: Negative

Comments

Covid-19 Negative: No Covid-19 markers detected from valid specimen.

Real Time PCR Pathogen Results

COVID-19 genes	Results	Control	Results
N_gene	Negative	MS2	Detected
ORF_1ab	Negative		
S_gene	Negative		

*MS2 is an internal control. A **Detected** result for MS2 is **normal** and indicates sample integrity. A **Not Detected** result indicates sample integrity failed and the sample is **invalid**.*

Disclaimer: This assay is designed to detect the Orf-1ab, S, and N genes of COVID-19 using RNA reverse transcription and RT-PCR. A Negative result does not preclude the possibility of COVID-19 infection since the adequacy of sample collection and/or low viral burden may result in the presence of viral nucleic acids below the analytical sensitivity of this test method. Test results should be used along with other clinical and laboratory data in making the diagnosis. This test has received FDA Emergency Use Authorization and has been verified by Real Diagnostics Labs (CLIA ID: 21D2077230). This test is only authorized for the duration of the declaration and the circumstances that exist to justify the authorization of the emergency use of in vitro diagnostic tests for the detection of COVID-19 virus and/or diagnosis of COVID-19 infection under section 564(b)(1) of the Act, 21 U.S.C. 360bbb-3(b)(1).

If you have any questions regarding this report please call your local Department of Health. Please do not call Real Diagnostics; we are not authorized to discuss the results of your test.



Report

 Lab Director: Yo-Chan Jeong, PhD
 CLIA Number: 21D2077230

Name EVELIO INFANTE	Req Form # 563975	Collected 06/30/2020	Client Boulevard Heights Community Center-Florida Department of Health
Address 650 EAST 45 ST HIALEAH, FL 33013	Accession # 563975	Received 07/01/2020	Address
Patient ID 210007	Gender Male	Report Date 07/02/2020	Ordering Provider Bradley Elias, MD
Date of Birth 01/15/1956	Race White		Collection Medium: MFM
Ordered Test(s): COVID-19	Collection Device: Nasopharyngeal swab		

COVID-19: Negative

Comments

COVID-19 Negative: No Covid-19 markers detected from valid specimen.

Real Time PCR Pathogen Results

COVID-19 genes	Results	Control	Results
N_Gene	Negative	MS2	Detected
ORF_1ab	Negative		
S_Gene	Negative		

MS2 is an internal control. A Detected result for MS2 is normal and indicates sample integrity. A Not Detected result indicates sample integrity failed and the sample is invalid.

Disclaimer: This assay is designed to detect the Orf_1ab, S, and N genes of COVID-19 using RNA reverse transcription and RT-PCR. A Negative result does not preclude the possibility of COVID-19 infection since the adequacy of sample collection and/or low viral burden may result in the presence of viral nucleic acids below the analytical sensitivity of this test method. Test results should be used along with other clinical and laboratory data in making the diagnosis. This test has received FDA Emergency Use Authorization and has been verified by Real Diagnostics Labs (CLIA ID: 21D027230). This test is only authorized for the duration of the declaration and the circumstances that exist to justify the authorization of the emergency use of in vitro diagnostic tests for the detection of COVID-19 virus and/or diagnosis of COVID-19 infection under section 564(b)(1) of the Act, 21 U.S.C. 360bbb-3(b)(1).

If you have any questions regarding this report please call your local Department of Health. Please do not call Real Diagnostics; we are not authorized to discuss the results of your test.





PrintReport (...)



Report

Lab Director: Yo-Chan Jaeng, PhD
CLIA Number: 2102077230

Name	PERDAMANTI	Reg Form #	063786	Collected	06/30/2020	Client	Reiserve Heights Community Center-Florida Department of Health
Address	260 NW 51ST TER MARGATE, FL 33063	Accession #	663786	Received	07/01/2020	Address	
PatientID	29725	Gender	Male	Date of Birth	07/02/2000	Ordering Provider	BRADY E Sr, MD
Order Ref #	CZ010-29	Collection Device	Nasopharyngeal swab	Collection Medium	N/A		

COVID-19: Negative

Comments

Covid-19 Negative: No Covid-19 markers detected from valid specimen.

Real Time PCR Pathogen Results

COVID-19 genes	Results	Control	Results
N_gene	Negative	ME2	Detected
ORF1ab	Negative		
S_gene	Negative		

WHO is currently aware of a limited number of SARS-CoV-2 variants that have been reported in several countries. The CDC is currently monitoring these variants and has identified several variants of concern (VOC) that may affect the accuracy of the test. The CDC is currently monitoring these variants and has identified several variants of concern (VOC) that may affect the accuracy of the test. The CDC is currently monitoring these variants and has identified several variants of concern (VOC) that may affect the accuracy of the test.

If you have any questions regarding this report please call your local Department of Health. Please do not call Real Diagnostics; we are not authorized to discuss the results of your test.

